

APPROXIMATE LOCATION
PROPOSED JOHN ROLFE PARKWAY

COUNTY OF HENRICO PLANNING OFFICE

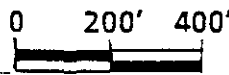
70-A2-3,14 Pt. 6

TUCKAHOE DISTRICT

JAS

SHOPPING CENTER

C-103C-88





COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

All attached amendment

W.F. LaVECCHIA, P.E., AICP
County Manager

October 18, 1988

Re: Conditional Rezoning Case C-103C-88

Pruitt Associates
2924 Emerywood Pkwy.
Richmond, Virginia 23229

Gentlemen:

The Board of Supervisors at its meeting on October 12, granted your request to conditionally rezone from A-1 Agricultural to B-2C Business District (Conditional), property described as follows:

Parcels 70-A2-3, 14, and Part of 70-A2-6:

Beginning at a point on the W. line of Pump Road 1,749.49' south of the S. line of Broad Street Road; thence running along the W. line of Pump Road S. 30° 16' 31" W., 384.40' to a rod; thence N. 61° 55' 48" W., 2.07' to a point; thence S. 30° 32' 04" W., 29.04' to a point; thence along a curve to the right having a radius of 25.00' and length of 38.20' to a point in the northern line of Proposed Three Chopt Road; thence along the northern line of Proposed Three Chopt Road N. 61° 55' 22" W., 531.44' to a rod; thence N. 30° 21' 03" E., 465.58' to a stone; thence S. 59° 01' 24" E., 556.71' to the point of beginning, containing 5.768 acres.

The Board of Supervisors accepted the attached sixteen proffered conditions (as amended) which further regulate the above described property in addition to all applicable provisions of Chapter 22, Code of Henrico (Zoning Ordinance).

The Planning Office 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,

W. F. LaVecchia, P.E., A.I.C.P.,
County Manager

Attachments:

- cc: Clerk, Board of Supervisors
- Supervisor, Real Estate Assessment
- Conditional Zoning Index
- Mr. John T. R. Wood & Others
- Mr. Ralph L. Axselle, Jr.



PROFFERS FOR CONDITIONAL REZONING

ORIGINAL

AMENDED

C-103C-88

Pursuant to section 22-121(b) of the County Code, the owner or duly authorized agent hereby voluntarily proffers the following conditions which shall be applicable to the property, if rezoned:

Thomas E. Pruitt

October 12, 1988

Signature of Owner or Applicant* Thomas E. Pruitt, attorney-in-fact for John T. R. Wood and others, and attorney-in-fact for Snyder-Hunt Corp. Date

* If Applicant is other than Owner; Form POF-004-3/87, Special Limited Power of Attorney must be submitted with this application.

1. Except for windows and doors and the supports therefor, all exposed exterior walls (above finished grade) of any building constructed on the Property shall be reddish tone brick, with the exception that non-brick material may be used as architectural treatment and accent as approved by the Planning Commission at the time of Plan of Development Review.

See interpretation
letter from
ADW dated
3-11-93

2. A landscaped buffer area of a minimum of twenty-five (25) feet shall be maintained along Pump Road. This area may be utilized for utility easements, signs, or for other purposes as approved by the Planning Commission at the time of Plan of Development review or by any governmental authority. The buffer area will contain berms and be sodded.

3. A natural and landscaped buffer area of a minimum of fifty (50) feet shall be maintained along the southern property line where Three Chopt Road will be located. This area may be utilized for a single point of ingress and egress, a single ground-mounted identification sign at such point of access and for such other purposes as approved by the Planning Commission at the time of the Plan of Development review.

(a) For a length of 100 feet from the intersection of Pump Road and the southern property line and running along the southern property line, the buffer area of a minimum of fifty (50) feet shall be a landscaped buffer. This buffer area will contain berms, be sodded and shall be irrigated.

(b) From the western end of the landscaped buffer described in (a) above and running in a westerly direction along the remainder of the southern property line, the buffer area of a minimum of fifty (50) feet shall be a natural buffer area. Except as necessary for ingress and egress or as otherwise approved by the Planning Commission at the time of Plan of

ACCEPTED BY THE BOARD OF SUPERVISORS ON OCT. 12, 1988.

PLANNING OFFICE

Development review, any existing trees in such area ten feet in height or greater shall be maintained. Fallen, diseased or dead plant growth, low limbs and underbrush may be removed.

For that portion of the property for which the provisions of proffer 2 and this proffer may conflict, the provisions of proffer 3 shall control.

4. A landscaped buffer area of a minimum of ten (10) feet shall be maintained along the western boundary of the property. This area may be utilized for utility easements or for other purposes as approved by the Planning Commission at the time of Plan of Development review or by any governmental authority.
5. There shall be no direct vehicular access from this property to Pump Road.
6. Parking lot lighting standards shall not exceed twenty (20) feet in height. Parking lot lighting shall be provided by directional fixtures, which shall be positioned in such a manner as to minimize the impact of such lighting off-site and which produce a lighting intensity of a maximum of one-half foot candle at the boundaries of the property adjoining Three Chopt Road and the western boundary. Lighting shall be reduced to a minimum level necessary for security purposes immediately following the closing of business operation.
7. Parking lots, with the exception of those to the rear of the buildings, shall be landscaped, including, but not limited to, the planting of shrubbery and/or trees and/or sod in islands located within such parking lots or between parking rows.
8. Except for the rear of the buildings, underground sprinklers will be installed in the landscaped areas.
9. Outdoor seating and benches will be incorporated in the common areas.
10. Unless otherwise approved by the Planning Commission at the time of Plan of Development review, all signs on the Property shall be architecturally similar in appearance. There shall be no portable or mobile signs on the Property.
11. The following uses shall not be permitted on the Property:
 - (a) skating rinks;
 - (b) billiard parlors;
 - (c) video game parlors;
 - (d) movie theater,

ACCEPTED BY THE BOARD OF SUPERVISORS ON OCT. 12, 1988.

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- (e) repair businesses for electrical, heating or plumbing systems;
 - (f) mortuaries;
 - (g) adult bookstores;
 - (h) clubs, fraternities, lodges and similar meeting places;
 - (i) "fast-food" or "carry-out" restaurant. For purposes hereof "fast-food" or "carry-out" restaurant is defined as an establishment, the principal business of which is the sale of foods and beverages already prepared at the time of ordering to consumers in a ready-to-consume state and which foods and beverages are usually served in paper, plastic or other disposable containers or wrappers for immediate consumption either within the restaurant building or off the premises. This subparagraph (i) shall not apply to a restaurant whose primary business is the sale of ice cream, yogurt, cookies or cinnamon rolls;
 - (j) automobile service or filling stations;
 - (k) dancing establishments and dance halls;
 - (l) bowling;
 - (m) an establishment whose primary business is retail sales of automotive parts and related accessories;
 - (n) an establishment whose primary business is retail sales of automotive tires and related accessories; and
 - (o) grocery or convenience grocery store.
12. All trash receptacle areas and roof top mechanical systems shall be screened from view in such a manner as required by the Planning Commission at the time of Plan of Development review.
13. Unless the retention is underground, any on-site water retention shall not be placed in the buffer areas; the outfall from such retention areas may cross such buffer areas as approved by the Planning Commission at the time of Plan of Development review.
14. Certificates of Occupancy shall not be issued for more than 100,000 total square feet of improvements on the properties subject to Cases No. C-21C-88, C-20C-88, C-44C-88, C-63C-88 and this application, until either (i) the construction of Three Chopt Road from Pump Road to Lauderdale Drive, or (ii) the widening of Broad Street Road to six lanes at the intersection of Pump Road and Broad Street Road, whichever of such events shall first occur.
15. Except for a building on the out parcel and any architectural theme elements, no building on the property shall exceed one story or thirty (30) feet in height, whichever is lesser.
16. There shall be only one out-parcel on the property. Any building on the out parcel shall be used for a financial

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institution (bank, savings and loan or small loan establishment) or medical, professional, administrative or business offices. The out parcel shall be architecturally similar in appearance to all other buildings on the property or residential in appearance.

ACCEPTED BY THE BOARD OF SUPERVISORS ON OCT. 12, 1988.

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FILES: Conditional Zoning Index
C-20C-88
C-21C-88
C-63C-88
C-103C-88

March 11, 1993

Mr. Thomas E. Pruitt, General Partner
Pruitt Associates
1700 Bayberry Court, Suite 100
Richmond, VA 23226

Re: Pump Road Widening

Dear Mr. Pruitt:

This is to clarify the Planning Office understanding of the agreement reached earlier this year regarding the widening of Pump Road and its affect on your property abutting the west line of Pump Road and subject to proffered conditions accepted by the Board of Supervisors with rezoning cases C-20C-88, C-21C-88, C-63C-88, and C-103C-88. This supersedes all previous statements on this matter. Our understanding of events and agreements is:

1. On March 9, 1988, when rezoning cases C-20C-88 and C-21C-88 were granted; on July 13, 1988, when rezoning case C-63C-88 was granted; and on October 12, 1988, when rezoning case C-103C-88 was granted, the ultimate right of way of Pump Road was to be 66 feet measured from its eastern line (no widening was proposed to be taken from the recently improved publicly-owned parcel abutting the east line of Pump Road). It was also known that a thirteen foot (13') wide strip would need to be dedicated from your property in order to widen Pump Road to its planned sixty-six foot (66') width.
2. Proffer #2 of each of the four rezoning cases requires a twenty-five foot (25') wide buffer along Pump Road.
3. The combination of the thirteen foot (13') wide Pump Road dedication and the proffered twenty-five foot (25') buffer would place the back of the curb of the parking area for the proposed shopping center development a distance of thirty-eight feet (38') [13 plus 25] from the west right of way line of Pump Road as the right of way existed in March 1988.
4. Subsequent to the above cited rezonings it was determined that the right of way of Pump Road must be increased to eighty feet (80'). It was also determined that the additional land would have to come from your property, and that the west right-of-way line would be irregular to accommodate the new roadway geometrics. This would result in an irregular west right-of-way line that would require right of way dedication along Pump Road varying from approximately twenty-eight feet (28') to forty feet (40').

Mr. Thomas E. Pruitt
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5. In May 1992, it was determined that the language of proffered conditions #2 of rezoning cases C-20C-88, C-21C-88, C-63C-88, and C-103C-88 will each permit use of needed portions of the proffered twenty five-foot (25') wide buffer area be utilized for utility easements and for the additional Pump Road widening not foreseen at time of rezoning. Therefore, the proffered twenty-five foot (25') buffer will be reduced by one foot for each one foot of right of way dedicated in excess of thirteen feet (13'). The specific details concerning the location and width of right of way to be dedicated is shown on sheets 10 through 13A inclusive (dated January 14, 1993) of Henrico County Pump Road Improvements Project #551-382-704-499.
6. I acknowledge that this agreement allowing the additional widening of Pump Road to intrude into the buffer area along Pump Road will greatly reduce, and in some areas eliminate it entirely. However, I also realize that you have agreed to dedicate, without cost to Henrico County, the necessary right of way along a 2,200 foot section of Pump Road thereby making this an excellent example of how public and private interests can work together to complete a needed project that will be of great benefit to the entire community.

I trust that I have correctly stated our understanding. If I have, would you please initial the extra copy of this letter in the space provided and return it to me.

Sincerely,



Allen D. Webb, C.L.A.
Principal Planner

cc: Deputy County Manager for Community Development
Director, Department of Public Works
Director of Planning

Enclosures: Proffered conditions, cited rezoning cases
Copy for execution and return

I have read, understand and agree with the foregoing:

adw/ac

Thomas E. Pruitt
Date: