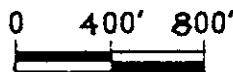


COUNTY OF HENRICO PLANNING OFFICE

REGIONAL SHOPPING MALL

C-113C-88



102-BI-3,14 Pt. 7

BROOKLAND DISTRICT

JAS



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

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

February 28, 1989

Re: Conditional Rezoning Case C-113C-88

Virginia Center, Inc.
1001 Technology Park Drive
Glen Allen, Virginia 23060

Attention: Mr. William Kohut

Gentlemen:

This is a correction of our letter to you dated December 27, 1988.

The Board of Supervisors at its meeting on December 21, granted your request to conditionally rezone from B-2C Business (Conditional) to B-3C Business District (Conditional), property described as follows:

Parcels 102-B1-3 and 102-B1-14, and Part of Parcel 102-B1-7:

Beginning at a point on the eastern line of Brook Road (U.S. Route 1), which point is approximately 246' north of the intersection of the northern line of proposed Half Sink Avenue Extended with the eastern line of Brook Road Extended; thence along the northern line of an 80' widening for Brook Road; S. 78° 32' 00" W., 83.18' to a point on the eastern line of Brook Road; thence along the eastern line of Brook Road on a curve toward the west having a radius of 5770.00', 700.07' to a point; thence continuing along the eastern line of Brook Road N. 05° 47' 30" W., 1005.14' to a point; thence leaving the eastern line of Brook Road; S. 89° 54' 37" E., 890.00' to a point; thence N. 05° 47' 30" W., a distance of approximately 495' to the centerline of the Chickahominy River; thence along the centerline of the Chickahominy River in an easterly direction a distance of approximately 2995' to a point on the western right-of-way line of Interstate Highway 95; thence along the western line of Interstate Highway 95 S. 19° 14' 07" E., a distance of approximately 970' to a point; thence continuing along the right-of-way of Interstate 95, along a curve toward the west having a radius of 9133.85', 281.10'; thence leaving the western line of Interstate 95 S. 26° 03' 38" W., 692.82' to a point; thence along a curve toward the west having a radius of 339.36', 220.34' to a point; thence S. 63° 15' 37" W., 16.40' to a point; thence along a curve toward the west having a radius of 1200.00', 464.13' to a point; thence S. 08° 25' 00" W., 478.69' to a point; thence along a curve toward the east having a radius of 1200.00', 277.39'; thence S. 88° 17' 15" W., 1085.82' to a point; thence S. 71° 35' 15" W., 25.00' to a point; thence N. 18° 24' 45" W., 309.42' to a point; thence S. 74° 58' 47" W., 656.49' to a point; thence along a curve toward the north having a radius of 1261.31', 357.41' to a point; thence N. 88° 11' 03" W., 28.59' to a point; thence S. 01° 48' 57" W., 389.86' to a point; thence S. 88° 11' 03" E., 25.00' to a point; thence S. 01° 48' 57" W., 329.49' to a point; thence along a curve toward the west having a radius of 25.00', 9.90' to a point; thence N. 53° 57' 56" W., 339.74' to a point on the eastern line of Brook Road; thence along the eastern line of Brook Road N. 01° 48' 57" E., 798.64' to the point of beginning, encompassing an area of approximately 175.3 acres.

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

Virginia Center, Inc.
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February 28, 1989

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,



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

Attachments:

cc: Clerk, Board of Supervisors
Supervisor, Real Estate Assessment
✓ Conditional Zoning Index
Edward B. Kidd, Esquire



COUNTY OF HENRICO, VIRGINIA

PROFFERS FOR CONDITIONAL REZONING

ORIGINAL AMENDED

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:

VIRGINIA CENTER INC.

By: *Edward B. Kidd*

DECEMBER 14, 1988

Signature of Owner or Applicant* Edward B. Kidd, Agent

Date

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

The following amended and restated proffers are submitted in lieu of all proffers previously submitted in case C-113C-88:

1. Prior to issuance of certificates of occupancy for the regional shopping center to be constructed on a portion of the Property, the following actions shall have been taken:

J.E.B. Stuart Parkway

(i) A new road expected to be known as Halfe Sink Road shall have been constructed in a minimum 80 foot right-of-way ("Halfe Sink Road") from Virginia Center Parkway to U.S. Route 1, the locations of which is shown conceptually on the map of the Virginia Center Commons Adjacent Roadway Network a copy of which is attached hereto as Exhibit 1 (the "Roadway Plan"); and

(ii) Four access roads shall have been constructed connecting the regional shopping center to Halfe Sink Road and U.S. Route 1, the location of which are shown conceptually on the Roadway Plan.

2. (a) In connection with the initial plan of development submitted for any portion of the Property, a conceptual master development plan (the "Master Plan") shall be submitted showing the proposed uses and densities of the development of the Property and other undeveloped property then owned by Virginia Center Inc. north of Interstate Route 295 for which development plans have been identified, together with a master

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traffic study analyzing the traffic impact of the full development of such property (the "Master Traffic Study"). All property rezoned under case C-20C-80 shall be included in the Master Traffic Study even if no development plans have been identified for such property. For any portion of such property where specific development plans have not been identified, the Master Traffic Study shall be based on the highest and best use for such property. The Master Traffic Study shall provide conceptual roadway configurations and recommendations for intersection treatments and methods or alternatives on any roadway identified as a problem area based on traffic assignments and shall be used with the Master Plan to coordinate the overall development program for the property covered thereby.

(b) In conjunction with the plan of development for any portion of the Property, a traffic study shall be submitted which describes the traffic impact of such proposed development. If such development is contemplated to occur in phases, such traffic study shall indicate the traffic impact of each phase. Should any proposed development not warrant a traffic study in the opinion of the Henrico County Traffic Engineer, such study may be waived. No such plan of development will be approved until such time as the Planning Commission approves (i) the improvements in roads and intersections which are necessitated by such development and (ii) when and, if the proposed development is to be phased, with which phase such improvements are to be completed. In the event portions of the Property will be developed in phases, any roadway improvements required for any portion of the Property shall be assigned to the applicable phase of the development in the plan of development and shall be constructed in connection with the development of such phase. No certificate of occupancy shall be issued for any phase of development until the required roadway improvements assigned to such phase have been completed. Once such roadway improvements have been determined and assigned to individual phases of such portion of the Property in connection with the plan of development described above, development of such portion of the Property may proceed in phases in accordance with the approved plan of development without submittal of additional traffic studies and without additional road improvements being required.

(c) If, in connection with plans of development for subsequent phases of development on the Property, the traffic study for such phase indicates the need for reconstruction or rearrangement of previously

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approved public roadway improvements, such improvements shall be made in connection with such subsequent phase of development.

3. Prior to the issuance of a building permit for any improvements on the Property, the flood plain along the Chickahominy River with any adjustments to be made as approved by the Department of Public Works, shall be identified by metes and bounds. In addition, an application must be filed with the County of Henrico to rezone to C-1 conservation district the revised flood plain exclusive of those areas being utilized for parking and for drainage facilities prior to the issuance of a building permit for any improvements on the Property.

4. Except for the construction of roads and other improvements pursuant to paragraph 7 of these proffered conditions, during the physical development of the Property, no development or construction access to the Property shall be provided by Ethelwood Road.

5. No building shall be constructed on the Property within (i) 215 feet of the northern lot lines of Lots 13-20, Block E, Holly Glen, (ii) within 150 feet of the eastern line of Lot 11, Block H, Holly Glen, (iii) within 334 feet of the eastern lot line of Lot 19, Block E, Holly Glen, or (iv) within 150 feet of the western lot lines of Lot 13, Block E or Lot 2, Block H, Holly Glen.

6. The minimum building setback from the north line of Halfe Sink Road shall be 35 feet. A landscaped area ten (10) feet wide shall be provided along the north right-of-way line of Halfe Sink Road with plant materials to be approved by the Planning Commission as part of the landscape plan submitted in the plan of development review process for adjoining properties.

7. In connection with the construction of and prior to the use of Halfe Sink Road for any purpose including development or construction access to the Property, the following actions shall have been taken:

(a) Two new access roads shall be constructed within 50 foot rights of way to connect Halfe Sink Road with existing Ethelwood Road which shall be dedicated

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to the County of Henrico simultaneous with the dedication of Halfe Sink Road. The location of these access roads is shown on the Plan prepared by J. K. Timmons & Associates, Inc. attached hereto as Exhibit 2 ("Exhibit 2"). The construction of these access roads is contingent upon the County of Henrico terminating and vacating to the owners of the Property the land in Ethelwood Road east and west of the proposed intersections of Ethelwood Road with such roads.

(b) Adjacent to and south of the southern right of way line of Halfe Sink Road between the two new access roads described in subparagraph 7(a) above, adjacent to and east of the eastern access road described in subparagraph 7(a) above between Halfe Sink Road and the southern line of the Property and adjacent to and west of the western access road described in subparagraph 7 (a) above and along the eastern line of the Property to the west of Lots 1 and 2, Block H, Holly Glen, solid, masonry walls six feet high above grade shall be constructed for visual and sound protection as shown generally on Exhibit 2. The walls shall not be constructed of exposed cinderblock. The area between the walls and public rights of way shall be landscaped with plant materials to be approved by the Planning Commission as part of the landscape plan submitted in the plan of development review process for adjoining properties. The walls and landscaping between the wall and public rights of way shall be maintained by the owners of the portion of the Property on which the walls and landscaping are constructed.

8. Not less than twenty percent (20%) of any parcel of the Property shown on an approved plan of development (excluding the area within public or private roads) which is within 300 feet of any lot within the Holly Glen subdivision shall be devoted to permanent open space. This area shall be used for landscaping, lawns, screening and/or buffer areas and may include bodies of water, works of art and outdoor recreation areas. The area devoted to required landscaping along the perimeter of any such parcel, along streets and parking lot landscaping may be counted toward this requirement.

9. For any portion of the Property which is more than 1200 feet from the right of way of U. S. Route 1 but is not part of an approved plan of development for a regional shopping center, (a) lights illuminating

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off-street parking or loading areas shall be arranged and installed so that no direct light projects into residential areas and (b) lighting fixtures shall not exceed 30 feet in height and shall be of a directional type capable of shielding the light source from direct view except as otherwise approved by the Planning Commission in connection with a plan of development.

10. The portion of the Property located north of Halfe Sink Road shall have a maximum of two (2) access points to U. S. Route 1 in addition to the access point provided by Halfe Sink Road. No parcel within such portion of the Property shall have direct access to U. S. Route 1; access to U. S. Route 1 for such parcels shall be provided by Halfe Sink Road and/or the drive-ways or roads constructed at the two (2) permitted access points.

11. No exposed cinderblock or prefabricated metal buildings shall be constructed on the Property.

12. No building constructed on the Property within 300 feet of any lot within the Holly Glen subdivision shall have a loading dock on any side of the building which faces such residential area.

13. Any refuse containers and/or refuse storage facilities located within 300 feet of any lot within the Holly Glen subdivision shall be screened from general public view either from within or outside the premises by means of opaque fences, walls or landscape planting. Such containers or storage facilities shall be located as far from such residential area as practicable and shall be serviced only between the hours of 6 a.m. and 6 p.m.

14. No portion of the Property shall be used for the following principal uses:

- (a) animal hospital or kennel
- (b) automobile, truck or recreational vehicle storage lot for new or used cars and other vehicles
- (c) car wash, automatic or otherwise

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- (d) cleaning or dyeing, linen service, or laundry, furniture repairing or refinishing, cabinet or carpenter shop, plumbing, electrical and heating shop, painting shop, upholstering shop or tinsmithing shop.
- (e) exterminating establishment
- (f) farm supply and service establishment, implement sales, rental and service, feed and seed store
- (g) fortune teller, palmist, astrologist, numerologist, clairvoyant, cranrologist, phrenologist, card reader, spiritual reader or similar activity
- (h) janitorial service establishment
- (i) landscape contracting and tree service
- (j) sale, display, storage or rental of mobile homes, travel trailers, motor homes, travel vans, campers and camper tops.
- (k) public dance halls
- (l) rifle or pistol range
- (m) sheet metal shop or roofing company
- (n) shell houses or display houses
- (o) sign shop which includes fabrication
- (p) temporary outdoor sales lots and stands
- (q) heavy truck, trailer, motorcycle or bus sales, body and paint shops, and repair or service facilities involving rebuilding or installation of transmissions or engines
- (r) outside storage of lumber

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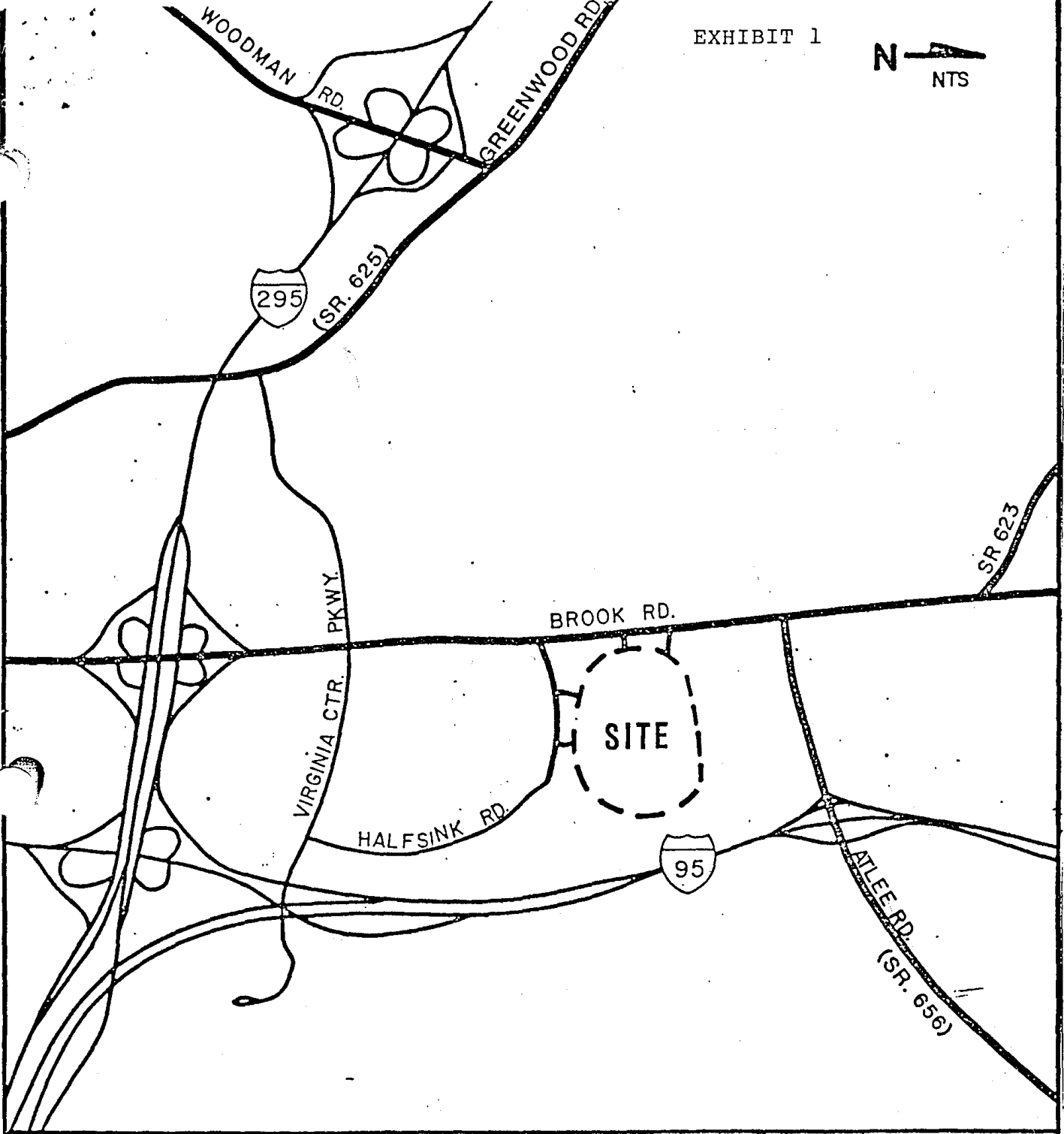
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VIRGINIA CENTER COMMONS
Richmond, Virginia

ADJACENT ROADWAY NETWORK

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