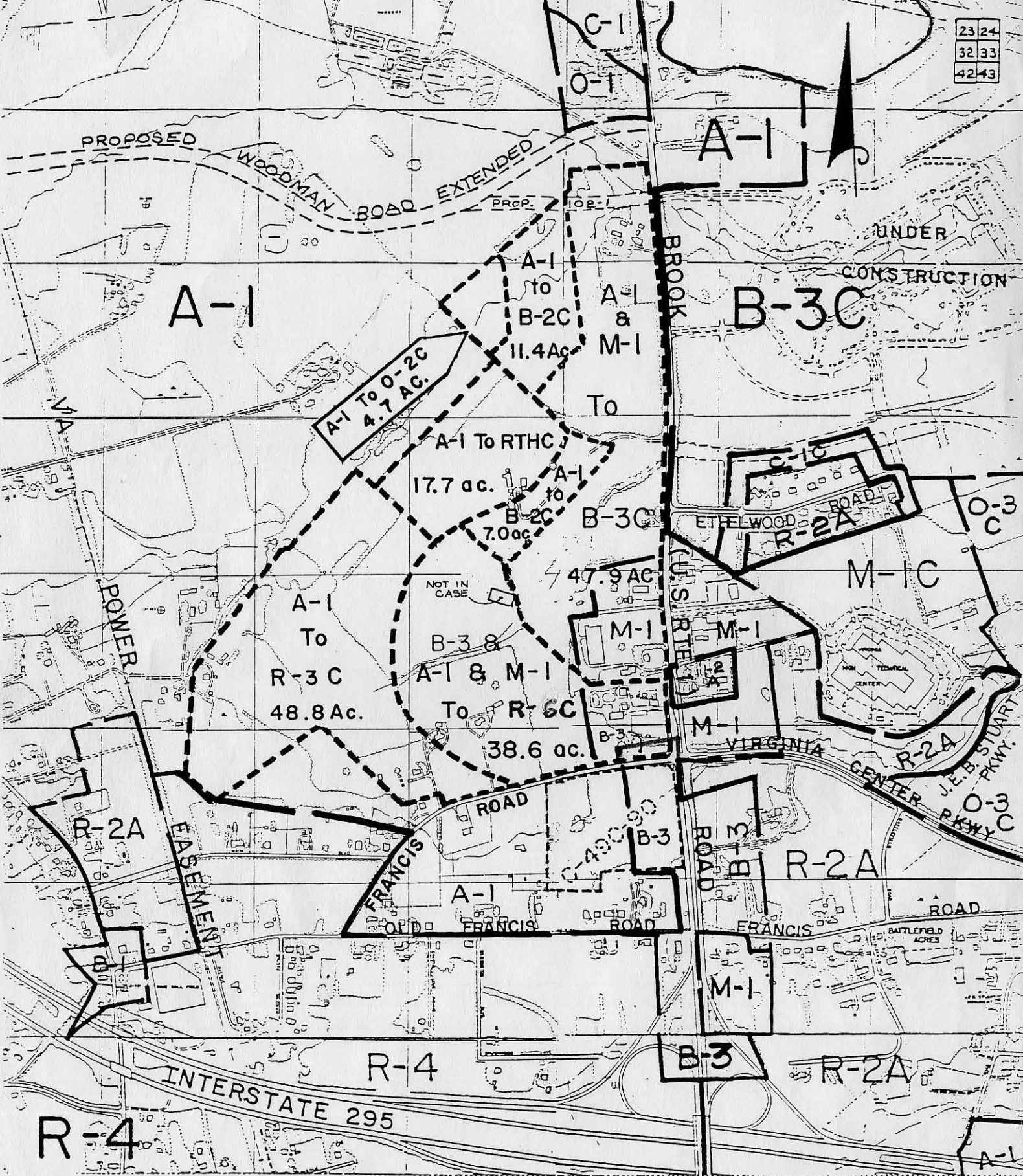


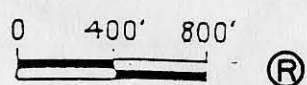
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RETAIL / SINGLE & MULTIFAMILY
AMENDED

COUNTY OF HENRICO PLANNING OFFICE
102-B1-2,4,5/103-A1-1,2,3,36,47/99-A2-48,82,72
PART PARCLS: 99-A2-81/102-B1-9,11
BROOKLAND DISTRICT

C-115C-88



JAS



COMMONWEALTH OF VIRGINIA

COUNTY OF HENRICO

August 20, 1991

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

Re: Conditional Rezoning Case C-115C-88

Mr. Richard P. Kiefer
Virginia Center, Inc.
1001 Technology Park Drive
Glen Allen, Virginia 23060

Dear Mr. Kiefer:

The Board of Supervisors at its meeting on August 14, granted your request to conditionally rezone from A-1 Agricultural, M-1 Light Industrial and B-3 Business to B-2C and B-3C Business Districts (Conditional), O-2C Office District (Conditional), R-2C One Family Residence District (Conditional), R-6C General Residence District (Conditional) and RTHC Residential Townhouse District (Conditional), Parcels 102-B1-4, 5, 103-A1-1, 2, 3, 36, 47, 99-A2-48, 72, 82 and part of Parcels 99-A2-81, and 102-B1-2, described as follows:

Parcel A - B-3C

Beginning at a point on the W. line of Brook Road (U.S. Route 1) 1,962.32' north of the N. line extended of Francis Road, shown as 'Point of Beginning', Parcels 'A' and 'D,' on above zoning plat prepared by J. K. Timmons & Associates, P.C. dated May 31, 1990 and revised August 1, 1991; thence N. 88° 11' 03" W., 35.34' to a point; thence along a curve to the right, having a radius of 878.63', 633.61' to a point; thence N. 46° 52' 00" W., 266.93' to a point; thence N. 43° 08' 00" E., 436.93' to a point; thence N. 5° 47' 30" W., 1,046.30' to a point; thence N. 84° 12' 30" E., 500.32' to a point on the W. line of Brook Road (U.S. Route 1); thence along the W. line of Brook Road (U.S. Route 1) S. 5° 47' 30" E., 1,006.18' to a point; thence continuing along the W. line of Brook Road (U.S. Route 1) along a curve to the right, having a radius of 5,690.00', 755.48' to a point; thence continuing along the W. line of Brook Road (U.S. Route 1) S. 1° 48' 57" W., 174.99' to the 'Point of Beginning', containing 22.4 acres.

Parcel B - B-2C

Beginning at a point at the W. corner of Parcel 'A', shown as 'Point of Beginning,' Parcel 'B' on above zoning plat prepared by J. K. Timmons & Associates, P.C. dated May 31, 1990 and revised August 1, 1991; thence N. 46° 52' 00" W., 376.79' to a point; thence N. 43° 08' 00" E., 170.00' to a point; thence N. 5° 47' 30" W., 433.31' to a point; thence N. 41° 17' 20" W., 150.00' to a point; thence N. 48° 42' 40" E., 658.23' to a point; thence S. 5° 47' 30" E., 1,046.30' to a point; thence S. 43° 08' 00" W., 436.93' to the 'Point of Beginning'; containing 11.4 acres.

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Parcel C - O-2C

Beginning at a point on the northern property line, shown as 'Point of Beginning', Parcel 'C' on above zoning plat prepared by J. K. Timmons & Associates, P.C. dated May 31, 1990 and revised August 1, 1991; thence N. $46^{\circ} 52' 00''$ W., 525.68' to a point; thence N. $48^{\circ} 42' 40''$ E., 511.71' to a point; thence S. $41^{\circ} 17' 20''$ E., 150.00' to a point; thence S. $5^{\circ} 47' 30''$ E., 433.31' to a point; thence S. $43^{\circ} 08' 00''$ W., 210.00' to 'Point of Beginning', containing 4.7 acres.

Parcel D - B-3C

Beginning at a point on the W. line of Brook Road (U.S. Route 1), shown as 'Point of Beginning', Parcels 'A' & 'D' on above zoning plat prepared by J. K. Timmons & Associates, P.C. dated May 31, 1990 and revised August 1, 1991; thence along the W. line of Brook Road (U.S. Route 1) S. $1^{\circ} 48' 57''$ W., 772.16' to a point; thence continuing along the W. line of Brook Road on a curve to left, having a radius of 1950.00', 258.81' to a point; thence continuing along the W. line of Brook Road (U.S. Route 1) S. $5^{\circ} 47' 19''$ E., 381.75' to a point; thence continuing along the W. line of Brook Road (U.S. Route 1) S. $77^{\circ} 18' 16''$ W., 50.37' to a point; thence S. $86^{\circ} 00' 10''$ W., 455.04' to a point; thence N. $47^{\circ} 49' 07''$ W., 660.42' to a point; thence N. $11^{\circ} 38' 10''$ W., 334.88' to a point; thence N. $46^{\circ} 59' 45''$ E., 373.05' to a point; thence along a curve to the left, having a radius of 865.00', 90.87' to a point; thence N. $40^{\circ} 58' 37''$ E., 562.24' to a point; thence in a southeasterly direction along a curve to the left, having a radius of 878.63', 305.00' to 'Point of Beginning'; containing 25.5 acres.

Parcel E - B-2C

Beginning at the intersection of Parcels 'E' & 'F' along the southwest line of Parcel 'A', shown as 'Point of Beginning', Parcels 'E' & 'F' on above zoning plat prepared by J. K. Timmons & Associates, P.C. dated May 31, 1990 and revised August 1, 1991; thence in a southeasterly direction along a curve to the left, having a radius of 878.63', 295.54' to a point; thence S. $40^{\circ} 58' 37''$ W., 562.24' to a point; thence along a curve to the right, having a radius of 865.00', 90.87' to a point; thence S. $46^{\circ} 59' 45''$ W., 373.05' to a point; thence N. $47^{\circ} 48' 38''$ W., 393.80' to a point; thence in a northeasterly direction along a curve to the right having a radius of 900.00', 120.16' to a point; thence N. $67^{\circ} 00' 29''$ E., 100.00' to a point; thence along a curve to the left, having a radius of 575.00', 261.24' to a point; thence N. $40^{\circ} 58' 37''$ E., 513.00' to 'Point of Beginning'; containing 7.0 acres.

Parcel F - RTHC

Beginning at the intersection of Parcels 'E' & 'F' along the southwest line of Parcel 'A', shown as 'Point of Beginning', Parcels 'E' & 'F' on above zoning plat prepared by J. K. Timmons & Associates, P.C. dated May 31, 1990 and revised August 1, 1991;

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thence S. 40° 58' 37" W., 513.00' to a point; thence along a curve to the right, having a radius of 575.00', 261.24' to a point; thence S. 67° 00' 29" W., 100.00' to a point; thence along a curve to the left, having a radius of 900.00', 321.87' to a point; thence N. 47° 49' 07" W., 552.58' to a point; thence N. 44° 11' 49" E., 1,138.34' to a point; thence N. 43° 08' 00" E., 40.00' to a point; thence S. 46° 52' 00" E., 643.72' to a point; thence along a curve to the left, having a radius of 878.63', 33.07' to the 'Point of Beginning'; containing 17.7 acres.

Parcel G-1 - R-6C

Beginning at a point on the W. line of Brook Road (U.S. Route 1) 59.06' north of the N. line extended of Francis Road, shown as 'Point of Beginning', Parcel 'G-1' on above zoning plat prepared by J. K. Timmons & Associates, P.C. dated May 31, 1990 and revised August 1, 1991; thence S. 44° 13' 21" W., 88.51' to a point on the N. line of Francis Road; thence along the N. line of Francis Road S. 86° 02' 57" W., 108.15' to a point; thence continuing along the N. line of Francis Road along a curve to the left, having a radius of 2,914.79', 42.58' to a point; thence continuing along the N. line of Francis Road S. 10° 58' 44" W., 25.99' to a point; thence continuing along the N. line of Francis Road along a curve to the left, having a radius of 2,889.79', 545.89' to a point; thence continuing along the N. line of Francis Road S. 74° 14' 56" W., 42.55' to a point; thence continuing along the N. line of Francis Road S. 74° 28' 09" W., 221.79' to a point; thence in a northwesterly direction along a curve to the right, having a radius of 730.00', 743.40' to a point; thence N. 28° 35' 49" W., 143.35' to a point; thence along a curve to the right, having a radius of 900.00', 325.69' to a point; thence N. 82° 08' 13" E., 878.20' to a point; thence N. 42° 10' 53" E., 84.75' to a point; thence S. 47° 49' 07" E., 478.65' to a point; thence N. 86° 00' 10" E., 455.04' to a point on the W. line of Brook Road (U.S. Route 1); thence along the W. line of Brook Road (U.S. Route 1) S. 5° 47' 19" E., 440.17' to the point of beginning, containing 26.6 acres.

Parcel G-2 - R-6C

Beginning at the intersection of Parcels 'G-1' & "G-2' along the E. line of Parcel 'H,' shown as 'Point of Beginning', Parcel 'G-2' on above zoning plat prepared by J. K. Timmons & Associates, P.C. dated May 31, 1990 and revised August 1, 1991; thence in a northeasterly direction along a curve to the right, having a radius of 900.00', 1055.91' to a point; thence S. 47° 48' 38" E., 393.80' to a point; thence S. 11° 38' 10" E., 334.88' to a point; thence S. 47° 49' 07" E., 181.77' to a point; thence S. 42° 10' 53" W., 84.75' to a point; thence S. 82° 08' 13" W., 878.20' to the 'Point of Beginning'; less and except Parcel 103-A1-5, and containing 12.0 acres.

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Parcel H - R-2C

Beginning at a point on the N. line of Francis Road 1,054.80' west of the W. line extended of Brook Road (U.S. Route 1) shown as 'Point of Beginning,' Parcel 'H' on above zoning plat prepared by J. K. Timmons & Associates, P.C. dated May 31, 1990 and revised August 1, 1991; thence along the N. line of Francis Road S. 74° 28' 09" W., 180.64' to a point; thence continuing along the N. line of Francis Road S. 74° 28' 09" W., 88.04' to a point; thence continuing along the N. line of Francis Road along a curve to the left, having a radius of 979.93', 193.46' to a point; thence N. 15° 53' 49" W., 107.15' to a point; thence S. 74° 29' 07" W., 257.68' to a point; thence N. 46° 21' 53" W., 764.43' to a point; thence S. 54° 44' 07" W., 817.88' to a point; thence N. 52° 06' 56" W., 263.46' to a point; thence N. 4° 52' 50" E., 646.12' to a point; thence N. 34° 40' 43" E., 559.68' to a point; thence N. 57° 45' 43" E., 41.58' to a point; thence N. 36° 25' 50" E., 376.20' to a point; thence N. 63° 38' 50" E., 113.52' to a point; thence N. 40° 49' 10" E., 613.20' to a point; thence S. 47° 51' 49" E., 136.92' to a point; thence S. 47° 49' 07" E., 552.58' to a point; thence in a southwesterly direction along a curve to the left, having a radius of 900.00', 1,179.89' to a point; thence S. 28° 35' 49" E., 143.35' to a point; thence along a curve to the left, having a radius of 730.00', 743.40' to the 'Point of Beginning'; containing 48.8 acres.

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

The following proffered conditions are applicable to the property designated as Parcels A, B, C, D, E, F, G (divided into G-1 and G-2) and H (the "Property") on the plat dated May 31, 1990, last revised August 1, 1991, by J. K. Timmons & Associates, P.C., a copy of which is on file in the Planning Office and is so noted as Exhibit A (the "Plat"):

1. Use.

(A) No portion of the Property designated as Parcels A or D shall be used for the following principal uses:

- (a) Animal kennel.
- (b) Fortune teller, palmist, astrologist, numerologist, clairvoyant, craniologist, phrenologist, card reader, spiritual reader or similar activity.
- (c) Mobile home sales, display and storage.
- (d) Sheet metal shop or roofing company.
- (e) Shell houses or display homes.
- (f) Automobile, truck or recreational vehicle storage

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lot.

- (g) Sales, service, or installation of tires or parts for automobiles or trucks exceeding 5000 pounds gross vehicle weight.
- (h) Cleaning or dyeing, linen service, or laundry, furniture repairing or refinishing; cabinet or carpenter shop; plumbing, electrical and heating shop; painting shop; upholstering shop; tinsmithing shop, and other general service and repair establishments similar in character or operation to those listed in this subparagraph.
- (i) Exterminating establishment.
- (j) Janitorial service establishment.
- (k) Dance hall, except that this provision shall not prohibit a dance floor as an appurtenant part of an establishment used primarily as a restaurant and/or lounge.
- (l) Rifle or pistol range.
- (m) Wholesale establishment.
- (n) Automobile - truck sales.

(B) In addition to the foregoing, no portion of the Property designated as Parcel A shall be used for the following principal uses:

- (a) Trailer, motorcycle, boat, boat trailer, or bus sales, rental and repair, towing services, automotive body or paint shop.
- (b) Sales, rental, display and storage of travel trailers, motor homes, travel vans, campers and camper tops.

(C) The portion of Parcel G designated on the Plat as G-2 shall be used only for a life care facility.

2. Rights of Way, Construction of Roads and Pedestrian Walkways. Subject to any limitations imposed by the traffic studies described in paragraph 3 below (the "Traffic Studies"), the following shall be performed:

- (a) The extension of J.E.B. Stuart's Parkway to the west of U. S. Route 1, the location of which is shown conceptually on the Plat ("J.E.B. Stuart's Parkway Extended"), shall be constructed and dedicated up to and within the limits of the Property as a public right of way as and when required to accommodate the development of the Property as shown on the Plat.
- (b) The extension of Virginia Center Parkway, the

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location of which extension is shown conceptually on the Plat ("Virginia Center Parkway Extended"), shall be constructed and dedicated as a public right of way as and when required to accommodate development of the Property. In connection with the construction of Virginia Center Parkway Extended, Francis Road shall be realigned to provide for an intersection with Virginia Center Parkway Extended meeting County standards. Unless otherwise required by the Planning Commission at the time of such construction, and subject to the applicable requirements of the Department of Public Works, the construction of Virginia Center Parkway Extended shall include the installation of a raised median which shall be landscaped. The landscaping on such median shall consist of grass with trees planted at forty to fifty foot intervals. Such landscaping shall be maintained by the owners of the parcels served by such roadway.

- (c) The construction of a new connector road between U.S. Route 1 and J.E.B. Stuart's Parkway Extended, the location of which is shown conceptually on the Plat as "Future Connector Road" (the "Connector Road"), shall be constructed and dedicated as a public right of way as and when required to accommodate the development of the Property.
- (d) If required by the Planning Commission at the time of plan of development or subdivision review, as applicable, the development of the Property shall include the construction of pedestrian sidewalks or other walkways (i) along the south side of J.E.B. Stuart's Parkway Extended between U.S. Route 1 and Virginia Center Parkway Extended, (ii) along the north side of Francis Road between the western boundary of the Reserved Land, as hereinafter defined, and the intersection of Virginia Center Parkway Extended and relocated Francis Road, or, if the Reserved Land has been released from the conditions imposed by subparagraph 3(e) hereof, then between U.S. Route 1 and the intersection of Virginia Center Parkway Extended and relocated Francis Road and (iii) at the election of Henrico County based on the judgment of the Planning Commission as to which location will best facilitate the flow of pedestrians within the Property, along either the inside or outside circumference of Virginia Center Parkway Extended between the intersections of Virginia Center

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Parkway Extended with Francis Road and J.E.B. Stuart's Parkway Extended. The development of the Property shall also include the construction of up to a total of 1000 linear feet of pedestrian sidewalks or walkways serving the development of Parcel H, the location of which shall be determined in connection with subdivision approval. The walkways described in this paragraph shall be located within the right of way of, or within the landscape buffer adjacent to, the roadway along which such walkway is constructed. The walkways on each Parcel of the Property shall be constructed at the time of development of such Parcel.

- (e) If determined by the Planning Commission to be necessary or appropriate, ground level pedestrian access shall be provided for each development located on Parcel G to the property shown as Parcels D and E on the Plat. The location of such pedestrian access shall be shown on the Master Plan, as hereinafter defined. This proffer shall not prohibit the residential projects on Parcel G from installing security devices to control access to such projects and the access to Parcels D and E shall be designed so as not to preclude installation of such security devices.
- (f) All pedestrian access provided in subparagraphs (d) and (e) above shall be designed to encourage use of the retail portions of the Property by occupants of the residential portions of the Property.

3. Traffic Reports and Improvements to Existing Roads; Master Plan.

- (a) Unless otherwise required or approved by the Planning Commission or the Virginia Department of Transportation ("VDOT"), as applicable, there shall be no more than one (1) access point from the Property to or from U. S. Route 1 north of J.E.B. Stuart's Parkway Extended and south of the Connector Road in addition to J.E.B. Stuart's Parkway Extended and the Connector Road; and no more than two (2) access points from the Property to or from U. S. Route 1 south of J.E.B. Stuart's Parkway Extended in addition to the access points at Virginia Center Parkway Extended and J.E.B. Stuart's Parkway Extended. No access point shall be closer than 250 feet (measured centerline to centerline) to any other access point.
- (b) No Outparcel, as hereinafter defined, shall have

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- direct access to U.S. Route 1. Access to and from U.S. Route 1 for the benefit of the Outparcels shall be from other public roadways or common access driveways subject to the provisions of proffer 3(a) above.
- (c) Unless otherwise required or approved by the Planning Commission, the individual lots within Parcel H shall not have direct access onto Virginia Center Parkway Extended.
 - (d) In connection with this rezoning, a comprehensive traffic study prepared by Burton, Adams, Kemp & King, Inc. analyzing the traffic impact of the full development of the Property has been submitted (the "Master Traffic Study"). The Master Traffic Study updates and supersedes an earlier study prepared by Raymond Keyes Associates. The Master Traffic Study shall be used to coordinate the overall development program for the Property.
 - (e) In conjunction with any plan of development approval process 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 County of Henrico has agreed to (i) the improvements in roads and intersections which are necessitated by such development, (ii) when and, if the proposed development is to be phased, with which phase such improvements are to be completed and (iii) who will complete or cause the completion of such improvements. Where 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 approval process and shall be constructed in connection with the development of such phase. Any right of way required for the construction of such roadway improvements shall be dedicated to Henrico County or VDOT, as applicable. Once such roadway improvements have been determined and assigned to individual phases of such portion of the Property

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in connection with the plan of development approval process 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.

- (f) The Master Traffic Study indicates under current assumptions the need for a grade separated interchange at the intersection of U. S. Route 1 and Virginia Center Parkway Extended, the conceptual design of which is shown on Exhibit B attached hereto (the "Grade Separated Interchange"). The portion of Parcel G which the Henrico County Traffic Engineer believes is required for the construction of the Grade Separated Interchange shall be reserved for such construction (the "Reserved Land"). Upon the approval of the plans for the construction of the Grade Separated Interchange by Henrico County and VDOT, any portion of the Reserved Land not necessary for such construction shall be released from this condition. The Reserved Land shall be released from this condition in the event the County and VDOT shall determine that the Grade Separated Interchange will not be necessary to accommodate the development of the Property. This condition shall not be deemed to prevent the use of the Reserved Land for temporary uses permitted within the R-6 zoning district which are not inconsistent with the later conversion of the Reserved Land for use as the site of the Grade Separated Interchange, or for other uses approved by the Planning Commission. "Temporary Uses" shall be defined as those which do not include a structure or facility requiring a foundation to be placed in the ground.
- (g) Prior to or with the submittal of the first request for plan of development approval for any portion of the Property, a conceptual Master Plan (the "Master Plan") shall be submitted for all of the Property. The Master Plan shall show the uses then planned for the Property, access points to public roads and plans for pedestrian access. The Master Plan may be revised from time to time and if changes are made, other than as a result of conditions of an approved plan of development, a revised Master Plan shall be submitted with subsequent requests for

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plan of development approval.

4. Building Materials, Architecture, Signage.

(a) All portions of attached buildings within any shopping center or within any multi-family development on the Property shall be of compatible architectural style and materials, and signage on such attached buildings shall be of similar style and materials.

(b) The exposed portions of all exterior wall surfaces (front, rear and sides) of each building (excluding rooftop screening materials for mechanical equipment) constructed on Parcels A, B, C, D and E shall be similar to the exposed portions of other exterior walls of such building in architectural treatment and materials, unless different architectural treatment and/or materials are specifically approved by the Planning Commission at the time of plan of development review. The exposed portions of all such exterior wall surfaces shall be constructed of not less than three fourths (3/4) brick, or stone as measured to the eave of each building and otherwise shall be constructed of split faced block with integral color, stucco, architectural precast, glass, dryvit or other materials approved by the Planning Commission at the time of Plan of Development review. Roofs, other than flat built-up or single ply membrane roofs which are not visible from surrounding properties, shall be constructed of pre-finished aluminum, copper or terne panels, cedar shake, slate, concrete or fiberglass shingles or other materials of comparable quality. If fiberglass shingles are used, they must be of the heavy dimensional type having a minimum weight of 300 #/square.

(c) The visible portion of the foundations and chimneys of buildings constructed in Parcels F, G and H shall be constructed of brick. The exposed portions of all exterior wall surfaces on townhouses, and condominiums on Parcels F, and G shall be constructed of not less than two thirds (2/3) brick as measured to the eave of each building and otherwise shall be constructed primarily of masonry (other than untreated or painted concrete block), wood or hardboard siding (such as masonite) with accents of glass, stucco or an exterior finish insulated system (e.g. dryvit).

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The exposed portions of all exterior wall surfaces on the life care facility and on apartment buildings on Parcel G shall be constructed of brick with the exception of trim and/or accent features.

- (d) All fire walls required in multifamily residential buildings under applicable building codes shall be of masonry construction.
- (e) Subject to the provisions of proffer 4(c) above, all wood or coal burning fireplaces and chimneys constructed in single family or multifamily residential buildings shall be of brick, stone, stucco on C.M.U. or split-faced C.M.U. with integral color.
- (f) All signs on Parcels A and D shall conform to the requirements of the B-2 District of the Henrico County Zoning Ordinance.
- (g) Signs on Parcels F, G and H shall be of low profile and compatible with the architecture of the surrounding community as determined by the Planning Commission at the time of plan of development review.

5. Buffers, Open Space, Density of Development.

- (a) A forty-five foot landscaped buffer shall be maintained between Parcel G and Parcels D and E. Thirty five feet of such buffer shall be placed on Parcel D adjacent to Parcel G at the time of development of Parcel D and on Parcel E adjacent to Parcel G at the time of development of Parcel E. Ten feet of such buffer shall be placed on Parcel G adjacent to Parcels D and E at the time of development of Parcel G. In the event the Henrico County Landscape Ordinance (the "Landscape Ordinance") requires that transitional buffers on Parcels D or E be greater than thirty five feet at the time of development of Parcel G, then the depth of the buffer on Parcel G shall be reduced so that the total depth of the adjacent buffers is forty five feet. In any event, the buffer placed on Parcel E adjacent to Parcel G shall be of the same depth as the buffer required under the Landscape Ordinance to be placed on Parcel D adjacent to Parcel G. Notwithstanding the foregoing, no such buffer shall be required between Parcel D and the Reserved Land in the event at the time of development of Parcel D the Reserved Land is being

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used for the Grade Separated Interchange.

- (b) A thirty-five foot landscaped buffer shall be maintained between any portion of Parcel G used for multi-family development or for any use first permitted in an R-6 district and any other portion of Parcel G used for single-family development. Such buffer shall be located within the portion of the parcel used for multi-family development.
- (c) A twenty-five foot landscaped buffer shall be maintained between any portion of Parcel F used for townhouses or condominiums and any portion of Parcel F used for single family development or other adjoining land zoned for agricultural or single-family development. Such buffer shall be located within the portion of the parcel used for townhouses or condominiums.
- (d) The buffers described in paragraphs (a), (b), and (c) above shall include the materials specified in paragraphs (e), (f), (g), and (h) below and shall be landscaped in accordance with a landscaping plan to be approved by the Planning Commission. Such landscaped buffers shall be left in their natural state except for (i) the clearing of underbrush and dead materials, (ii) interruptions or crossings by pedestrian and vehicular accessways and utility easements, (iii) cases in which removal of a portion of the natural foliage would be in accordance with good horticultural or silvicultural practice, and (iv) cases in which site conditions require grading activities within such buffer to avoid installation of retaining walls or similar structures. Any pedestrian and vehicular accessways and utility easements within any such buffer shall cross the buffer at no less than a forty five degree angle.
- (e) Any existing vegetation within the buffers described in paragraph (b) above or in the portion of the buffer described in paragraph (a) above which is located on Parcels D and E shall be supplemented in accordance with a landscape plan to provide for the equivalent of at least five (5) large deciduous or evergreen trees with an ultimate height of fifty (50) feet or greater plus two and one half (2.5) small deciduous or evergreen trees with an ultimate height of twenty (20) feet and nineteen (19) shrubs with an ultimate height of ten

- (10) feet for every one hundred (100) linear feet of buffer.
- (f) Any existing vegetation within the portion of the buffer described in paragraph (a) above, which is located on Parcel G shall be supplemented in accordance with a landscape plan to provide for the equivalent of at least two large deciduous or evergreen trees with an ultimate height of fifty (50) feet or greater plus one (1) small deciduous or evergreen tree with an ultimate height of twenty (20) feet and ten (10) shrubs with an ultimate height of (10) feet for every one hundred (100) linear feet of buffer; provided, however, that in the event the depth of the buffer on Parcel G is reduced below ten feet in accordance with the provisions of paragraph (a), then the foliage required to be placed in such buffer shall be reduced proportionately.
- (g) Any existing vegetation within the buffers described in paragraph (c) above shall be supplemented in accordance with a landscape plan to provide for the equivalent of at least four (4) large deciduous or evergreen trees with an ultimate height of fifty (50) feet or greater plus two (2) small deciduous or evergreen trees with an ultimate height of twenty (20) feet and sixteen (16) shrubs with an ultimate height of ten (10) feet for every one hundred (100) linear feet of buffer.
- (h) Transitional buffer screen alternatives approved and constructed in accordance with the terms of the Landscape Ordinance may be employed to reduce the depth of the buffers proffered herein upon a finding of fact by the Director of Planning or agent thereof that the use of the proposed screen alternative will not be contrary to the purpose and intent of the Landscape Ordinance. Undefined terms in paragraphs (e) through (h) hereof shall have the meanings assigned to those terms in the Henrico County Landscape Ordinance. The buffer along any right of way may contain signs.
- (i) A thirty-five foot landscaped area shall be maintained adjacent to U.S. Route 1 (measured from the ultimate right of way needed to widen Route 1 to six (6) through lanes) and a twenty-five foot landscaped area shall be maintained adjacent to J.E.B. Stuart's Parkway Extended, the Virginia

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- Center Parkway Extended, and the Connector Road. Plant materials in such landscaped areas shall be approved by the Planning Commission as part of landscape plans submitted in connection with plan of development or subdivision review for adjoining properties.
- (j) In all locations in which the Landscape Ordinance requires a transitional buffer, fencing, walls, and plantings within such buffer shall be subject to review and approval by the Planning Commission to ensure compliance with the Landscape Ordinance, aesthetic compatibility with the surrounding architecture, and adequate screening, and to otherwise ensure conformance to the County land use plan's goals and objectives of minimizing conflicts between dissimilar uses.
 - (k) Parcels A, B, D and E shall each contain an aggregate of at least twenty-five percent open space. Parcel C shall contain an aggregate of at least thirty percent open space. "Open Space" for the purposes hereof shall mean that portion of such parcel not used for buildings, parking areas, or driveways. Landscaped areas within parking lots shall not be considered part of such open space.
 - (l) In the aggregate, Parcels A, B, D and E shall contain no more than 8500 square feet of floor space per gross acre of land contained within such parcels as shown on the Plat.
 - (m) The liveable floor area of dwellings constructed within Parcel H will be not less than 1775 square feet for single-story dwellings, and not less than 2000 square feet for multi-story dwellings. Up to one third of any multi-story dwelling may be left unfinished.
 - (n) In the aggregate, the portion of Parcel G shown on the Plat as G-1 shall contain no more than 14 dwelling units per gross acre of land contained within such area; provided, however, that such restriction shall not apply to any portion of such property used as a life care facility, nursing home, convalescent home, or home for the aged.
 - (o) In the aggregate, Parcel F shall contain no more than 8 dwelling units per a gross acre of land contained within such parcel as shown on the Plat.

- (p) The height of buildings within Parcel G shall not exceed three stories.
- (q) The height of buildings within Parcel C shall not exceed two stories.
- (r) The setbacks of buildings within Parcel G-1 shall meet the requirements of the R-5 zoning district.

6. Lighting, Screening.

- (a) Lights illuminating off-street parking or loading areas within Parcels A, B, C, D, and E shall be arranged and installed so that the lighting level measured at the property line of any residential areas does not exceed one half (1/2) foot candle.
- (b) Lighting fixtures within Parcels A, B, C, D and E shall not exceed thirty feet in height measured from ground level (twenty feet in height within sixty feet of any "R" district) and lighting fixtures within Parcels F and G shall not exceed twenty feet in height measured from ground level. Such lights 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.
- (c) Except as otherwise required or approved by the Planning Commission, any refuse container and/or refuse storage facility within Parcels A, B, C, D, or E or within any condominium or apartment project on Parcel G shall be located with a brick enclosure (except for doors which may be constructed of wood) screening such container or facility from general public view either from within or outside of the premises. Such containers and/or storage facilities on Parcels A, B, C, D, or E shall be located as far from adjacent "R" districts as practical, and all such containers and/or storage facilities on or within 300 feet of any adjacent "R" district shall be serviced only between the hours of 7 a.m. and 7 p.m.
- (d) Buildings or structures on Parcels A, B, or C, D or E having loading areas shall be designed or such areas shall be screened so as to minimize the visibility of such areas from any "A" or "R" district.

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- (e) Within Parcels A, B, C, D, and E heating, ventilation, and air conditioning units at grade, or those that are located on the roof of any building and that would otherwise be visible from ground level shall be screened from general public view either from within or outside the premises by means of building design or by means of an opaque fence, wall, landscape planting, or other method as approved by the Planning Commission.
- (f) If required by the Planning Commission, any recreational facilities within Parcels F and G shall be screened from view from any adjoining property in an "R" district which is not a part of the Property or the property shown as Parcel I on the Plat by means of an opaque fence, wall, landscape planting or other method as approved by the Planning Commission.

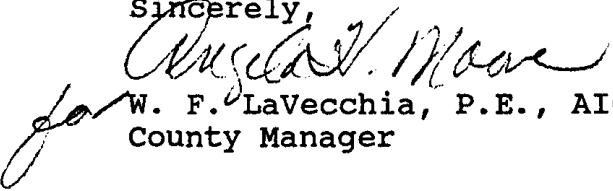
7. Phasing.

No certificate of occupancy shall be requested or issued for improvements on any outparcel within Parcels A, B, D or E unless a certificate of occupancy has been issued for a shopping center or other commercial projects on Parcels A, B, D, or E which contain not less than 100,000 square feet of gross building area. An "Outparcel" shall be defined as any portion of Parcels A, B, D or E which fronts on U.S. Route 1 and contains less than two (2) acres.

NOTE: All references to Parcels A, B, C, D, E, F, G (divided into G-1 and G-2) or H refer to Parcels designated as such on the Plat.

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., AICP,
County Manager

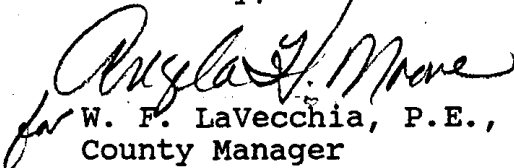
cc: Clerk, Board of Supervisors
Director, Real Estate Assessment
Conditional Zoning Index
Mr. Edward B. Kidd, Esquire

Mr. Richard P. Kiefer
Virginia Center, Inc.
August 20, 1991

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Sincerely,


for W. F. LaVecchia, P.E., AICP,
County Manager

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