



RETAIL
C-21C-88

COUNTY OF HENRICO PLANNING OFFICE
72 - B2-19 & 70-A2-1,2
 TUCKAHOE DISTRICT

JAS

a2



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO
March 15, 1988

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

Re: Conditional Rezoning Case C-21C-88

Pruitt Associates
2924 Emerywood Parkway
Richmond, Virginia 23229

Gentlemen:

The Board of Supervisors at its meeting on March 9, granted your request to conditionally rezone from A-1 Agricultural and R-5C General Residence (Conditional) to B-2C Community Business District (Conditional), described as follows:

Parcels 72-B2-19, 70-A2-1, and 70-A2-2, described as follows:

Beginning at a point 726.96' south of the intersection of Broad Street Road and Pump Road, on the western line of Pump Road; thence S. 30° 16' 31" W., 1,022.53' to a rod; thence N. 59° 01' 24" W., 556.71' to a stone; thence N. 30° 46' 00" E., 1,222' to a rod; thence S. 59° 45' 01" E., 199.92' to a rod; thence S. 73° 19' 28" E., 198.29' to a rod; then N. 88° 55' 29" E., 11.21' to a pipe; thence S. 30° 16' 31" W., 258.86' to a pipe; thence S. 59° 43' 29" E., 143.82' to the point of beginning, containing 14.943 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). They are as follows:

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, ingress and egress, signs, or for other purposes as approved by the Planning Commission at the time of Plan of Development review or by any other governmental authority. The buffer area will contain berms and will be sodded.
3. A landscaped buffer area of a minimum of ten (10) feet shall be maintained along the western boundary of the Property and fifteen (15) feet along the southern boundary of the Property. These areas 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.

If adjacent properties are added along the southern or western boundaries, the buffer areas will be relocated to the new southern and/or western boundary.

4. 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 (1/2) foot candle at the boundaries of the property adjoining the southern and western boundary.
5. 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.
6. Except for the rear of the buildings, underground sprinklers will be installed in the landscaped areas.
7. Upon Plan of Development approval, the location of pedestrian access to the adjacent Wellesley property and to the right-of-way opposite the Henrico County's Park will be established. Pedestrian access to the right-of-way opposite the Park will be provided upon the completion of the first phase of the shopping center. Pedestrian access to the Wellesley property line will be provided when the Plan of Development for the adjacent Wellesley project has been approved and Wellesley's pedestrian access is located.
8. Outdoor seating and benches will be incorporated in the common areas.
9. 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.
10. The following uses shall not be permitted on the Property:
 - (1) skating rinks;
 - (2) billiard parlors;
 - (3) video game parlors;
 - (4) repair businesses for electrical, heating or plumbing systems;
 - (5) mortuaries; and
 - (6) adult book stores.
11. All trash receptacle areas shall be screened from view in such a manner as required by the Planning Commission at the time of Plan of Development review.
12. Any on-site water retention shall not be placed in the buffer areas, but 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.
13. Pedestrian access will be provided to connect the development of the Property north of the Old Three Chopt Road right-of-way to the development of the Property south of the Old Three Chopt Road right-of-way.

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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 and C-20C-88 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.

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

cc: Clerk, Board of Supervisors
Supervisor, Real Estate Assessment
✓ Conditional Zoning Index
Mr. Ralph L. Axselle, Jr.
Mr. James H. Richmond
Mr. M. T. Richmond

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: