

COUNTY OF HENRICO PLANNING OFFICE
 MIXED USE DEVELOPMENT 104-A2-5,16 PT.1,2,3 & 5-A1-3
C-57C-88 0 400' 800'
 FAIRFIELD DISTRICT
 JAS



COMMONWEALTH OF VIRGINIA
 COUNTY OF HENRICO

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

September 9, 1988

Re: Conditional Rezoning Case C-57C-88

Mark Vogel Companies
 600 New Hampshire Ave., N.W.
 Washington, D.C. 20037

see yellow sheets

Gentlemen:

The Board of Supervisors at its meeting on August 24, granted your request to conditionally rezone from O-2C Office (Conditional), R-2 One Family Residence and A-1 Agricultural to O-3C Office (Conditional) and O/SC Office/Service District (Conditional), property described as follows:

Part of Parcels 104-A2-1, 2, and 3 and Parcels 5-A1-3 and 104-A2-16, and 5, described as follows:

O/SC Office/Service District (Conditional):

Beginning at a point 6047.14' west of the north line of U.S. Route 301, thence along the N. line of Parham Road S. 59° 00' 06" W., 1000.00' to a rod found; thence N. 2° 20' 10" W., 678.45' to a rod found; thence N. 1° 57' 55" W., 891.20' to a rod found; thence S. 87° 58' 45" W., 269.70' to a rod found; thence N. 2° 01' 15" W., 175.00' to a pipe found; thence N. 75° 46' 27" W., 578.42' to a rod set; thence N. 20° 02' 38" E., 777.50' to a rod set on the S. line of Scott Road; thence along the southern line of Scott Road N. 84° 56' 21" E., 332.59' to a point; thence along a curve to the left having a radius of 285.81' and a length of 170.01' to a point; thence along a curve to the right having a radius of 5064.22' and a length of 230.00' to a point; thence N. 53° 27' 40" E., 131.41' to a point; thence along a curve to the right having a radius of 238.48' and a length of 254.86' to a point; thence S. 65° 18' 29" E., 696.07' to a point; thence S. 19° 00' W., 266.75' to a point; thence along a curve to the southwest having a radius of 805.00', 286.38' to a point; thence S. 39° 23' 00" W., 581.20'; thence along the arc of a curve to the south having a radius of 530.00', 771.32' to a point; thence S. 44° 00' E., 333.32' to a point; thence along the arc of a curve to the southeast having a radius of 875.00', 198.56' to a point; thence S. 30° 59' 54" W., 100.29 feet to the point of beginning, containing 57.498 acres.

O-3C Office District (Conditional)

Beginning at a point 387.74' north of the N. line of U.S. Route 301; thence along the northern right of way line of Parham Road N. 6° 26' 34" W., 140.21' to a stone; thence along a curve to the left having a radius of 1081.74' and a length of 744.25' to a stone; thence along a curve to the left having a radius of 1917.33' and a length of 1223.21' to a stone; thence along a curve to the left having a radius of 3080.34' and a length of 2074.25' to a rod set; thence along the northern line of Parham Road S. 59° 00' 06" W., 1477.48' to a point; thence N. 30° 59' 54" W., 100.29' to a point; thence along a curve to the left having a radius of 875.00' and a length of 198.56' to a point; thence N. 44° 00' 00" E., 333.22' to a point; thence along a curve to the right having a radius of

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530.00' and a length of 771.32' to a point; thence N. 39° 23' 00" E., 581.20' to a point; thence along a curve to the right having a radius of 805.00' and a length of 286.38' to a point; thence 19° 00' E., 266.75' to a point; thence S. 65° 18' 29" E., 734.83' to a point; thence N. 24° 41' 31" E., 30.00' to a rod set; thence N. 36° 32' 42" E., 1972' +- to the 100 year flood plain; thence in a southeast direction along the 100 year flood plain, 6100' +- to a point; thence S. 47° 29' 24", 85.59 +- to the point of beginning, containing 146.1 +- acres.

The Board of Supervisors accepted the attached fourteen (14) proffered conditions which further regulate the above described property in addition to all applicable provisions of Chapter 22, Code of Henrico (Zoning Ordinance).

I would take this opportunity to note for the record that the Board listened and acquiesced to your offer made through your representative to provide for the dedication of at least two "spine roads of four lanes each" to provide suitable access to adjoining properties and that the rights of way for those roads would be dedicated when the first plan of development is approved on the property.

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. Robert B. Ball, Sr.
Ms. Mayanne Hilliard Coghill
Mr. Edward E. Willey, Jr.

COUNTY OF HENRICO
VIRGINIA
INTER-OFFICE MEMORANDUM

TO: File (POD-7-94, C-57C-88)

FROM: Director of Planning

DATE: February 2, 1994

SUBJECT: Interpretation of Proffer #1, Rezoning Case C-57C-88

Questions have recently been raised regarding the intent expressed in the subject proffer as it relates to POD-7-94, Worth-Higgins.

1. **Building Materials.** The exposed portions of all exterior wall surfaces (front, rear and sides) of each building constructed on the Property (excluding rooftop screening materials for mechanical equipment) shall be similar in architectural treatment and materials to the other exterior wall surfaces of such building. All buildings constructed on the Property shall have exposed exterior wall surfaces (above finished grade) of face brick, stone, or glass, unless other aesthetically comparable finished materials are specifically requested and permitted by the Planning Commission at the time of Plan of Development Review.

The subject proffer contains three distinct elements which may be summarized as follows:

First Element - The language requires that all exterior building wall surfaces on each building be similar in architectural treatment. This element requires that building materials carry out a uniform design theme or architectural treatment on all sides. This precludes a developer from utilizing the typical office/warehouse cost-cutting design where, for example, the office portion utilizes one architectural treatment and material and the warehouse portion uses different design treatment and materials that are less costly and more utilitarian in nature. This element does *not* require that every building within the park be similar in architectural treatment. Nor does this element preclude the use of different construction materials on different sides of the building providing that similar architectural treatment can be demonstrated.

Second Element - The building materials to be used on exterior wall surfaces must be face brick, stone, or glass. The language of this condition does not specifically prohibit exterior surface materials of wood, metal, or other synthetic products (i.e., dryvit[®]) if all sides of the building are architecturally similar and the material(s) are approved by the Planning Commission pursuant to the authority granted in the third element.

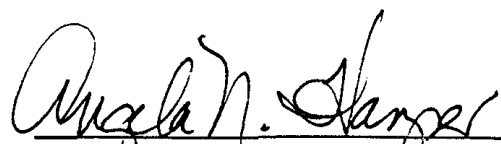
Third Element - The last portion of the condition grants the Planning Commission discretionary authority to consider and/or approve alternative building materials and architectural treatments.

The primary focus of concern appears to be the question as to whether an exposed aggregate concrete panel falls within the definition of "stone" as used within the context of the proffer. Review of the minutes of the Planning Commission on the rezoning case C-57C-88 would lead one to the conclusion that the intent of the condition is to assure high quality exterior surfaces on the buildings, and conversely to preclude the use of materials such as dryvit[®], corrugated metal and fiberglass panels that have been deemed inappropriate. For the purpose of this condition, "stone" should be defined as stacked stone or veneer stone finishes with the predominate visual appearance being loose rock individually laid using a cementitious binder material. The specific application of this condition will therefore preclude the use of pre-cast or cast-in-place concrete, concrete masonry units, or any other material not stated in the proffer *unless* the Planning Commission specifically permits an alternate architectural treatment and/or material at the time of plan of development approval pursuant to the authority granted to it by the condition itself. The basis for the determination is found partially within the review of this case, and more particularly within the basic concepts of conditional zoning.

The basic concept of conditional zoning provides a means by which a developer may make a commitment (proffer) to the community at large. The proffers generally reflect commitments for enhanced development standards that are above the minimum standards set by County codes. In short, proffers are written promises to the community. As such, care must be taken by the developer when creating his proffered conditions so that their language is clearly understandable to "the general public." Herein lies the problem with the language of the subject proffer.

Staff recognizes that the term "stone" has different meanings to different people. For example, people working in the construction industry could and have argued that concrete is "stone." Conversely, it is felt that the image perceived by the general public is that of traditional stacked stone or stone veneer construction. Since the proffers are written for the community as a whole, I have determined that the above interpretation is appropriate.

Staff further recognizes that this interpretation may create problems for the marketing of the property in that a prospective developer will not be able to receive a determination on alternative construction materials until his plan of development has been prepared, reviewed, and finally, acted upon by the Planning Commission. To mitigate this concern, staff will utilize a procedure whereby the applicant may file a preliminary plan for architectural review and approval by the Planning Commission (after appropriate public notice), but prior to incurring the expense and time necessary to prepare a plan development.


Angela N. Harper, AICP



PROFFERS FOR CONDITIONAL REZONING PLANNING OFFICE COUNTY OF HENRICO

ORIGINAL AMENDED

AND RESTATED

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:

MARK VOGEL COMPANIES

By [Signature] Date August 23, 1988
Signature of Owner or Applicant* Attorney-in-Fact Date

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

1. Building Materials. The exposed portions of all exterior wall surfaces (front, rear and sides) of each building constructed on the Property (excluding rooftop screening materials for mechanical equipment) shall be similar in architectural treatment and materials to the other exterior wall surfaces of such building. All buildings constructed on the Property shall have exposed exterior wall surfaces (above finished grade) of face brick, stone, or glass, unless other aesthetically comparable finished materials are specifically requested and permitted by the Planning Commission at the time of Plan of Development review.

2. Site Coverage. No more than sixty-five percent (65%) of the Property shall be covered by buildings, driveways and parking areas.

3. Buffer Area. A landscaped buffer area of a minimum of ~~one~~ ¹²⁵ hundred (100) feet in width shall be maintained along the right-of-way line of Parham Road (as such right-of-way line shall be determined at the time of Plan of Development review) and a minimum of ~~fifty (50)~~ ²⁵ feet in width shall be maintained along such portions of the remaining boundaries of the Property as shall be zoned agricultural or residential at the time of Plan of Development review but only for so long as said adjoining properties remain zoned agricultural or residential, except for utility easements, roads, signage, driveways or other purposes required at the time of Plan of Development review. Utility easements extended through the buffer areas shall be extended generally perpendicular thereto, and where practicable and permitted, areas disturbed for utility installation shall be restored. Existing vegetation and underbrush may, and fallen diseased or dead plant growth shall, be removed from such buffer areas, and if so removed, additional plantings shall be added.

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4. Building Setback and Hotel Restrictions. Not more than one (1) hotel shall be built on the Property nor shall it be built within four hundred (400) feet of the right-of-way line of Parham Road or on any site that abuts the right-of-way line of Parham Road (as such right-of-way line is determined at the time of Plan of Development review). Said hotel shall not exceed five (5) stories in height nor contain more than three hundred (300) guest rooms. No other buildings shall be constructed within two hundred (200) feet of the right-of-way line of Parham Road (as such right-of-way line is determined at the time of Plan of Development review) unless specifically approved by the Planning Commission at the time of Plan of Development review or by any other applicable governmental body. No hotel shall be constructed on the Property until an aggregate of 350,000 square feet of office and office/service development shall be constructed on the Property.

5. Parking Lot Landscaping. Parking lots serving development on the Property shall be landscaped, including but not limited to the planting of shrubbery and/or trees in the raised islands located within such parking lots and between parking rows.

6. Parking Lot Lighting. Parking lot lighting standards shall not exceed twenty (20) feet in height within three hundred (300) feet of any boundary of the Property nor twenty-five (25) feet in height within the remainder of that portion of the Property zoned 0-3C. Parking lot lighting shall be provided by concealed sources of light and shall be reduced to no more than a security level following the close of business operations on the Property.

7. Vehicular Access. There shall be a maximum of three (3) vehicular access drives to or from the Property to or from Parham Road plus one additional access point to be used exclusively for the portion of the Property which is located east of a stream known as Chamberlayne Branch, nor shall any such access drives align with any road in any residential subdivision south of Parham Road, including Chamberlayne Farms, Wildwood and Northfield subdivisions, unless otherwise required by any governmental body having jurisdiction with respect thereto.

8. HVAC. Heating and air conditioning equipment shall be screened from public view from adjoining streets and properties in a manner satisfactory to and approved by the Planning Commission at the time of Plan of Development review.

9. Internal Roads. The plan for major internal roads shall be in general compliance with the Major Thoroughfare Plan unless otherwise specifically approved or required by the Planning Commission at the time of Plan of Development review or by any other applicable governmental authority.

AUG. 24. 88 ACCEPTED BY BOARD OF SUPERVISORS

10. Phasing. No one shall request or be entitled to receive Certificates of Occupancy for more than an aggregate of 350,000 square feet of new office or new office service space per year, or any combination thereof, on a cumulative basis on the Property commencing with the first day of the month following rezoning of the Property, as requested herein, by the Board of Supervisors, except that Certificates of Occupancy for more than said 350,000 square feet per year shall be available to the extent that in prior years Certificates of Occupancy have been issued for less than said amount.

11. Construction Traffic. All construction traffic shall be restricted to Parham Road accesses.

12. P.O.D. Review. Development of each individual building on the Property shall be subject to Plan of Development review.

13. Traffic Impact Study. An updated Traffic Impact Study will be submitted to the County's Traffic Engineer on the first to occur of the following:

(a) Development of fifty percent (50%) of the Property, or

(b) Five (5) years from the date the Property is rezoned by the Board of Supervisors.

14. Height Restriction. Subject to the provisions of paragraph 4 hereof, no building shall be constructed on the Property in excess of three (3) stories in height within five hundred (500) feet of the right-of-way line of Parham Road (as such right-of-way line shall be determined at the time of Plan of Development review) without a Conditional Use Permit by Special Exception.

RECEIVED

AUG 24 1988

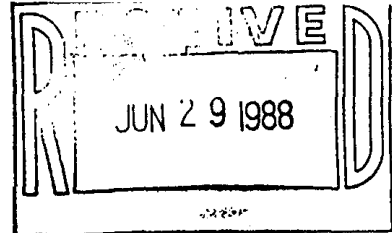
PLANNING OFFICE
COUNTY OF HENRICO

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WILBUR
SMITH
ASSOCIATES
ENGINEERS • PLANNERS



10 EAST FRANKLIN STREET • RICHMOND, VA 23219 • (804) 643-6651 • TELEX 573439

June 3, 1988

Mr. James B. Regino
Vice President of Development
MARK VOGEL COMPANIES
4201 Northview Drive
Bowie, Maryland 20716

ATTACHMENT TO
ACCEPTED PROPOSED
CONDITIONS
AUG. 24, 1988.

RE: St. Charles Corporate Center

Dear Mr. Regino:

Dear Mr. Regino:

In response to your inquiry concerning access through the St. Charles Corporate Center site to the Cobb and Scott properties north of the site, we extend the following comments:

For purposes of estimating site traffic for the Cobb and Scott properties, a development of the identical size and land use mix as St. Charles Corporate Center was assumed. It also was felt that the distribution of the Cobb and Scott property traffic would be similar to that of St. Charles Corporate Center, in a general sense. Based on these two broad assumptions, the impact of the Cobb and Scott traffic on the two spine roads leading to their properties may have an adverse affect on St. Charles Corporate Center. Specifically, the additional through traffic on the spine roads leading to Parham Road would hinder the ability of St. Charles Corporate Center traffic to access the spine roads during the evening peak hour. Although no analysis has been made to date concerning internal traffic conditions, the increase in traffic on the spine roads from the Cobb and Scott properties may result in the need for traffic signalization at intersections along the spine roads. In addition to signalization, auxiliary lanes would be needed at the signalized intersections to provide adequate storage for vehicular queues.

This leads to the question of right-of-way along the spine roads. Currently, each spine road is planned to be a four-lane divided roadway for approximately 300 to 400 feet north of Parham Road into the site; beyond that point, a two-lane undivided roadway appears to be adequate. With the increase in traffic anticipated from the Cobb and Scott properties, it is felt that no less than a

Mr. James B. Regino
June 3, 1988
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four-lane roadway throughout the site could accommodate the traffic demand. With this in mind, a right-of-way of up to 90 feet to a maximum of 110 feet at intersections would be necessary in the northern portions of the spine roads within the St. Charles Corporate Center. As the spine roads approach Parham Road right-of-way requirements may reach as much as 120 feet to provide appropriate geometry at the intersections with Parham Road. Again, without a detailed analysis of internal traffic conditions, a definitive answer concerning right-of-way requirements along the spine roads is difficult to achieve.

There is, however, a possibility for relief of traffic flow along the spine roads in the form of directional access to the existing I-95/I-295 collector-distributor. It appears as though the Cobb and Scott properties abut the southbound/eastbound leg of the collector-distributor. If access could be achieved to this facility through the Cobb and Scott properties, it is estimated that as much as 40 to 50 percent of the site generated traffic could utilize that access point, thereby relieving pressure on the spine roads. This could, of course, reduce right-of-way requirements along the spine roads.

We hope this information is of use to you, however, it is very broad in scope and may differ with more detailed analyses. If you have any questions or comments regarding this information, please feel free to contact us.

Sincerely,

Thomas E. Flynn, P.E.
Associate-in-Charge

TEF/cor

cc: J.M. Weinberg
Edward E. Willey, Jr. - June 28, 1988 ✓