

COUNTY OF HENRICO PLANNING OFFICE

OFFICE PARK/ HOTEL

78-A2-19

C-60C-88

THREE CHOPT DISTRICT



JAS



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

COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

December 1, 1989

Re: Conditional Rezoning Case C-60C-88

Mr. Charles S. Macfarlane
Henricus Associates
9100 Arboretum Pkwy.
Richmond, Virginia 23236

Dear Mr. Macfarlane:

During a review of our records, we determined that my July 19, 1988 confirmation letter regarding the rezoning of your property is incorrect because a description of the rezoned property was inadvertently omitted.

The correct information is as follows. Please attach this to my July 19, 1988 letter.

The Board of Supervisors at its meeting on July 13, granted your request to conditionally rezone from O-3C Office (Conditional) and B-2C Business (Conditional) to O-3C Office (Conditional) and B-2C Business District (Conditional) described as follows:

Part of Parcel 78-A2-19 Rezoned to O-3C Office District (Conditional)

Beginning at a point on the S. line of Broad Street Road, approximately 842.26' west of its intersection with the centerline of Deep Rock Road; thence S. $36^{\circ} 16' 08''$ E., 48.50' to a point; thence S. $12^{\circ} 42' 14.6''$ W. along the arc of a curve to the southwest, having a radius of 290', 123.08' to a point; thence S. $8^{\circ} 56' 23''$ E., 104.46' to a point; thence along the arc of a curve to the southwest having a radius of 395', 296.82' to a point; thence S. $52^{\circ} 58'$ E., 312' to a point; thence N. $37^{\circ} 12' 00''$ E., 384' to a point; thence N. $33^{\circ} 00' 00''$ E., 391.02' to a point; thence N. $81^{\circ} 16' 08''$ E., 617.26' to the point of beginning, containing 6.41 acres.

Part of Parcel 78-A2-19 Rezoned to B-2C Business District (Conditional)


Beginning at a point on the S. line of Broad Street, approximately 1,175.02' west of its intersection with the centerline of Deep Rock Road; thence S. $81^{\circ} 16' 8''$ E., 332.76' to a point; thence S. $36^{\circ} 16' 08''$ E., 48.50' to a point; thence S. $12^{\circ} 42' 14.6''$ W., along the arc of a curve to the southwest, having a radius of 290', 174.01' to a point; thence S. $47^{\circ} 05' 01''$ W., 198.84' to a point; thence along the arc of a curve to the southeast having a radius of 610', 238.29' to a point; thence S. $24^{\circ} 43' 48''$ W., 214.57' to a point; thence along the arc of a curve to the southwest having a radius of 990', 252.84' to a point; thence N. $46^{\circ} 21' 16''$ W., 488.05' to a point; thence N. $43^{\circ} 38' 44''$ E., 870' to the point of beginning, containing 8.96 acres.

Mr. Charles S. Macfarlane
Henricus Associates
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The proffered conditions accepted by the Board of Supervisors on July 13, 1988 were transmitted with my July 19, 1988 letter.

The Planning Office has been advised of this correction and will revise its records accordingly.

Sincerely,


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

cc: Clerk, Board of Supervisors
Supervisor, Real Estate Assessment
Conditional Zoning Index

APPROVED BY THE BOARD OF SUPERVISORS ON JULY 13¹⁹⁸⁸ 1988. *c-6-88*

PROPOSED

PROFFERED CONDITIONS

1. No building shall be constructed within one hundred (100) feet of the right-of-way of Broad Street Road, as such right-of-way is determined at the time of plan of development review.
2. Landscaped or natural buffer areas will, as indicated below, be provided around portions of the perimeter of the Property, except to the extent necessary for utility easements, roads, signage, driveways or other purposes required by the Planning Commission at the time of Plan of Development Review, or by any other applicable governmental body:
 - a. A buffer area of a minimum of twenty-five (25) feet in width along the Broad Street Road right-of-way line of the Property (as such right-of-way line is determined at the time of Plan of Development review).
 - b. A buffer area of a minimum of fifty (50) feet in width along the portion of the western boundary of the Property abutting property presently developed for residential purposes (the "Residential Buffer"). In addition to the Residential Buffer, a chain link fence of a minimum of six (6) feet in height shall be maintained along the portion of the western boundary of the Property abutting property developed for residential purposes. The aforesaid fence shall be coated with a dark material to reduce the visibility of the fence. White pine trees of a minimum of six (6) to eight (8) feet in height shall be planted within the Residential Buffer, as determined at the time of landscape plan review to be necessary to provide appropriate screening of development on the Property from adjacent residences.

The limits of clearing in the buffer areas shall be shown on the approved Plan of Development(s). 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.

APPROVED BY THE BOARD OF SUPERVISORS ON JULY 13, 1988.

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3. The principal structures constructed on that portion of the Property zoned B-2C shall be devoted only to one or more of the following uses: uses permitted in an O-3 zoning district, hotel, conference facility, child care center, health and fitness center and uses which are incidental or directly related thereto (the "Primary Uses"). Within such portion of the Property, retail commercial uses shall only be permitted within a principal structure also devoted to one or more of the Primary Uses.
4. No building constructed on the portion of the Property zoned B-2C shall exceed a height of the lesser of five (5) stories or sixty-five (65) feet.
5. No free-standing sign erected on that portion of the Property zoned B-2C shall exceed a height of twenty-five (25) feet.
6. No more than 696,000 square feet of gross usable floor area (exclusive of parking areas) shall be constructed within that portion of the Property zoned in the O-3C classification.
7. No more than sixty-two percent (62%) of the Property may be covered by buildings, driveways and parking areas.
8. Parking lot lighting standards shall not exceed twenty-five (25) 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 shall produce a lighting intensity of a maximum of one-half (1/2) foot candle at a boundary of the Property adjacent to property developed for residential purposes. Parking lot lighting shall be reduced to no more than a security level, following the closing of businesses conducted on the Property.

APPROVED BY THE BOARD OF SUPERVISORS ON JULY 13, 1988.

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9. Development of each individual site on the Property shall be subject to plan of development review and approval by the Planning Commission.
10. Prior to or concurrent with the recordation of a subdivision plat approved by the County and before the conveyance of any part of the Property covered by said subdivision plat which is to be developed for commercial and/or office uses, the owner, its successors or assigns, shall record a document in the Clerk's Office of the Circuit Court of Henrico County, setting forth controls on the development of such sections of the Property.
11. Prior to July 1, 1990, Certificates of Occupancy shall not be requested for more than 100,000 square feet of new office space per year, on a cumulative basis, unless Broad Street Road has been widened as proposed by the Virginia Department of Transportation in the vicinity of the Property, or unless otherwise specifically approved by the Planning Commission at the time of Plan of Development review based on current traffic information available to it at the time of Plan of Development review. In the event an office building is constructed on the portion of the Property zoned B-2C, the square footage thereof shall be included in the aforesaid computation and subject to the aforesaid restriction.

12. see separate sheet

APPROVED BY THE BOARD OF SUPERVISORS ON JULY 13, 1988.

PROPOSED ADDITIONAL PROFFER

Re: Zoning Case C-60C-88


12. A area not less than .9 (nine-tenths) of an acre between West Broad Street, Westerre Parkway and the Project's parking shall be designated as "green space" which may include landscaped areas, natural areas, lakes, ponds, and/or water features. For calculation purposes the "green area" shall be measured from the back of the road curb and shall include the twenty-five (25) foot buffer area.

RECEIVED

JUN 8 1988

PLANNING OFFICE
COUNTY OF HENRICO

MEMORANDUM

TO: Kevin Leamy, J.K. Timmons and Associates PC
FROM: 
John Merrithew, County of Henrico Planning Office
SUBJECT: Proffer Interpretation: Case Number C-60C-88
DATE: November 4, 1996

You have asked me for an interpretation of Proffer 7 of case C-60C-88, which states:

"No more than sixty-two percent (62%) of the Property may be covered by buildings, driveways and parking areas."

Your question asked if the 62 percent lot coverage standard is measured over the entire 15.37 acre tract that was originally rezoned or whether it applies separately to subdivided parcels.

I interpret the proffer to limit the overall lot coverage to 62 percent on the entire, rezoned, tract. Compliance could be measured in three ways:

1. If the current Plan of Development (POD) application complies with the 62 percent cover limit, then the new Plan of Development would comply with proffer 7. As we have discussed, the Plan of Development application may encompass more than one lot provided all landowners are signatories on the application. In this case, both hotel sites and the Trammell Crow BMP site may be combined as one POD.
2. If there were other approved POD's or developed lots, we would have the ability to measure the coverage of all approved POD's and determine what the permitted coverage would be on an individual POD site. In such cases, the coverage on an individual POD might exceed 62 percent if the lot coverage of all approved POD's when combined with the POD site did not exceed 62 percent. Undeveloped land would be excluded from the calculation.
3. Lot cover may exceed the 62 percent limit provided all owners of vacant property are party to the POD or indicate in writing that they are aware that their permitted lot coverage may be reduced in order to maintain an overall cover of 62 percent; and they agree to disclose that fact to any potential buyers.

You also asked whether or not the County would consider a shared parking agreement between the two hotels as a means of reducing the required number of parking spaces. My preliminary opinion is that two similar uses cannot jointly use a parking area because of the parallel demands and peak hours of operation. Section 24-96 (2) of the Zoning Ordinance sets out the standards for mixed use and joint use parking facilities. I recommend you contact Stacey Burcin for further information.

I hope this information is helpful. Please feel free to contact me anytime if you have further questions.

cc. Stacey Burcin, Community Development Division