

COUNTY OF HENRICO PLANNING OFFICE

OFFICE-SERVICE / RETAIL

7- BI-17,28,46,50,52,56,58

FAIRFIELD DISTRICT

C-106C-89



JAS



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

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

January 16, 1990

Re: Conditional Rezoning Case 106C-89

Ridgeway Development Company
5413 Patterson Avenue, Suite 200
Richmond, Virginia 23226

Gentlemen:

The Board of Supervisors at its meeting on January 10, granted your request to conditionally rezone property from A-1 Agricultural to M-1C Light Industrial (Conditional) and B-2C Business Districts (Conditional), property described as follows:

Parcels 7-B1-17, 28, 46, 50, 52, 56, and 58:

Parcel A

Commencing at a point that marks the intersection of the northern right-of-way line of Creighton Road with the western right-of-way line of Laburnum Ave., thence along the western right-of-way line of Laburnum Ave., N. $19^{\circ} 48' 48''$ W., 300.00' to a point, being the point of beginning; thence leaving the western right-of-way line of Laburnum Ave. S. $70^{\circ} 11' 12''$ W., 250.00' to a point; thence N. $19^{\circ} 48' 48''$ W., 60.00' to a point; thence S. $70^{\circ} 11' 12''$ W., 125.00' to a point; thence N. $64^{\circ} 48' 48''$ W., 35.00' to a point; thence N. $19^{\circ} 48' 48''$ W., 215.00' to a point; thence N. $40^{\circ} 11' 12''$ E., 180.00' to a point; thence N. $19^{\circ} 48' 48''$ W., 85.00' to a point; thence N. $45^{\circ} 50' 00''$ W., 90.00' to a point; thence N. $13^{\circ} 21' 00''$ W., 167.61' to a point; thence N. $69^{\circ} 27' 20''$ E., 264.50' to a point on the western right-of-way line of Laburnum Avenue, thence along the western right-of-way line of Laburnum Ave., S. $19^{\circ} 48' 48''$ E., 725.55' to the point of beginning.

Parcel B


Beginning at the intersection of the western right-of-way line of Laburnum Avenue with the northern right-of-way line of Creighton Road being the point of beginning; thence along the northern right-of-way line of Creighton Road S. $86^{\circ} 47' 10''$ W., 261.01' to a point; thence along a curve to the left with a radius of 4821.80' and a length of 333.07' to a point; thence along a curve to the left with a radius of 128.71' and a length of 89.70' to a point; thence S. $42^{\circ} 53' 52''$ W., 83.21' to a point; thence leaving the northern right-of-way line of Creighton Road N. $47^{\circ} 06' 08''$ W., 593.85' to a point; thence N. $19^{\circ} 55' 53''$ E., 266.87' to a point; thence N. $67^{\circ} 47' 10''$ E., 233.91' to a point; thence N. $22^{\circ} 12' 50''$ W., 345.97' to a point; thence N. $21^{\circ} 42' 10''$ E., 495.60' to a point; thence S. $22^{\circ} 12' 50''$ E., 547.09' to a point; thence S. $13^{\circ} 21' 00''$ E., 167.61' to a point; thence S. $45^{\circ} 50' 00''$ E., 90.00' to a point; thence S. $19^{\circ} 48' 48''$ E., 85.00' to a point; thence S. $40^{\circ} 11' 12''$ W., 180.00' to a point; thence S. $19^{\circ} 48' 48''$ E., 215.00' to a point; thence S. $64^{\circ} 48' 48''$ E., 35.00' to a point; thence N. $70^{\circ} 11' 12''$ E., 125.00' to a point; thence S. $19^{\circ} 48' 48''$ E., 60.00' to a point; thence N. $70^{\circ} 11' 12''$ E., 250.00' to a point on the western right-of-way line of Laburnum Avenue; thence along the western right-of-way line of Laburnum Avenue S. $19^{\circ} 48' 48''$ E., 300.00' to a point; being the point of beginning, containing 15.23 acres.

Ridgeway Development Company
Page 2
January 16, 1990

The Board of Supervisors accepted the attached nine (9) proffered conditions which further regulate the above described property in addition to all applicable provisions of Chapter 22, Code of Henrico (Zoning Ordinance).

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

cc: Clerk, Board of Supervisors
Supervisor, Real Estate Assessment
Conditional Zoning Index
Glenn R. Moore, Esquire



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:

G. Lynn B. Moore, Attorney-in-Fact December 14, 1989
Signature of Owner or Applicant Date
for Owners

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

RIDGEWAY DEVELOPMENT COMPANY
C-106C-89

1/10/89

The following proffered conditions amend and restate the proffered conditions filed with the application for rezoning in their entirety:

1. Right-of-way Dedication. Areas within the Property needed for the widening of Laburnum Avenue or Creighton Road shall be dedicated at no cost to the County and/or the Virginia Department of Transportation, to provide for the widening of such roadways adjacent to the Property, as determined at the time of Plan of Development approval.

2. Buffer Areas. (a) Landscaped or natural buffer areas of a minimum of twenty-five (25) feet in width shall be maintained along the right-of-way lines (as such right-of-way lines are determined at the time of Plan of Development Review) of Creighton Road and Laburnum Avenue.

(b) Utility easements, signage, access drives and other improvements required or permitted at the time of Plan of Development Review may be permitted within the aforesaid buffer areas, except that any access drive or utility easement within any such buffer area shall run generally perpendicular thereto. Where permitted or practicable, areas disturbed for the placement of utilities within the buffer areas shall be restored.

(c) 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.

(d) Landscaped berms may be located within the aforesaid buffer areas, to enhance the screening effect of the buffer areas, as determined at the time of Landscape Plan Review.

ACCEPTED BY THE BOARD OF SUPERVISORS
JAN 10, 1990

C-106C-89 p1085

PLANNING OFFICE

3. Exterior Building Materials. The exposed portion of each exterior wall surface (front, rear and sides) of each building constructed on the Property (excluding rooftop screening material for mechanical equipment) shall be similar to the exposed portions of other exterior wall surfaces of such building in architectural treatment and material. Except as provided in the next sentence, all buildings constructed on the Property shall have exposed exterior wall surfaces (above finished grade) of brick and/or glass (except to the extent that other materials are used for windows, doors, trim, signage, architectural decorations or design elements). Other finished materials may be used only if requested and specifically permitted at the time of Plan of Development review.

4. Screening of Mechanical Systems. All rooftop equipment shall be shielded so that it is screened from public view.

5. Parking Lot Lighting. Parking lot lighting standards shall not exceed twenty (20) feet in height, and parking lot lighting shall be provided by concealed sources of light. Parking lot lighting shall be reduced to no more than a security level following the close of business operations on the Property.

6. Vehicular Access. There shall be a maximum of one (1) access drive between the Property and Creighton Road and a maximum of two (2) access drives between the Property and Laburnum Avenue, unless additional vehicular access drives are required by any governmental body having jurisdiction with respect thereto.

7. Conservation Areas. Notwithstanding the uses permitted and regulated by the zoning of the Property, such portions of the Property which lie within a one hundred (100) year flood plain as determined by definitive engineering studies approved by the Department of Public Works, and/or such portions of the Property which may be inundated by waters impounded to a maximum elevation determined in a controlled, regulated manner by structure or structures approved by the Department of Public Works, may only be used for the following purposes:

- (a) Stormwater management and/or detention areas.
- (b) Ponds, lakes and similar areas intended as aesthetic and/or recreational amenities and/or wildlife habitats.
- (c) Access drives, walkways and recreational amenities installed in a manner to minimize their impacts.
- (d) Such additional uses to the uses identified in (a), (b) and (c) above, as may be deemed compatible and of the same general character by the Planning Administrator (Director of

Planning) pursuant to Chapters 19 and 22 of the County Code ("the Zoning Ordinance").

The location and limits of such portion(s) of said Property shall be established by plan(s) of development approved pursuant to Section 22-106 of the Zoning Ordinance.

8. Office/Service Parcel. With respect to that portion of the Property zoned M-1C (the "Office/Service Parcel"), the following provisions shall apply:

(a) Development of the Office/Service Parcel shall be under the supervision or control of restrictive covenants submitted to the Planning Office for review and approval as to form and substance satisfactory to the County Attorney prior to any formal approval for development within the Office/Service Parcel and shall be recorded prior to building permit approval for such development. The covenants shall, at a minimum, provide for the creation of a property owners' association; provide for maintenance of individual sites, common areas, open spaces, landscaping and buffering, and private streets; and provide for minimum development and operational standards for each tract thereon. Notwithstanding anything contained in this proffer to the contrary, this proffer shall not create any obligation or liability of any kind or nature on the part of the County for the enforcement of any of the specific terms and conditions of said restrictive covenants.

(b) The principal uses permitted on the Office/Service Parcel shall be limited to the uses set forth in Section 22-50.18 of Chapter 22 of the Henrico County Code (the "Zoning Ordinance").

(c) Restrictions on retail and service facilities and light industrial uses as set forth in Section 22-50.18:1 of the Zoning Ordinance shall be applicable to such facilities and uses on the Office/Service Parcel.

(d) Provisional uses permitted on the Office/Service Parcel shall be limited to uses permitted under Section 22-50.19 of the Zoning Ordinance.

(e) Conditional uses permitted by special exception on the Office/Service Parcel shall be limited to those uses permitted under Section 22-50.20 of the Zoning Ordinance.

(f) Accessory uses permitted on the Office/Service Parcel shall be limited to those uses permitted under Section 22-50.21 of the Zoning Ordinance.

(g) Development Standards.

ACCEPTED BY THE BOARD OF SUPERVISORS
JAN. 10, 1990

C-1066-89 P345

- (i) At least twenty percent (20%) of every site on the Office/Service Parcel shall be used for permanent open space. Areas devoted to permanent open space may include landscaping, lawns, screening and/or buffer areas and may include bodies of water, works of art and outdoor recreation areas. Areas devoted to buffer areas along streets and parking lot landscaping may be counted toward the permanent open space requirement.
- (ii) Any parking lot containing more than twenty-five spaces must be landscaped with plantings and trees. The landscaped area shall be equal to at least one hundred sixty-two (162) square feet for every twenty (20) parking spaces. The required landscaping shall be placed within the boundaries of the parking lot or be immediately adjacent thereto.
- (iii) All development on the Office/Service Parcel shall be served by public water and sewer.
- (iv) All utility lines such as electric, telephone, CATV or other similar lines shall be installed underground. All junction and access boxes shall be screened with appropriate landscaping.
- (v) There shall be no outside storage of any equipment, materials or supplies, except that a trash receptacle area may be permitted if it is enclosed within an area which is completely screened from view and which is architecturally compatible with the buildings on the site.
- (vi) Lights illuminating off-street parking or loading areas shall be arranged and installed so that no material glare or direct light shall spill over onto adjacent parcels.
- (vii) Buildings or structures having loading areas shall be designed with an appropriate interior courtyard so that the loading operations are not visible from any of the perimeters of the Office/Service Parcel adjoining any "A" or "R" district and are shielded from the roadways within the development.

ACCEPTED BY THE BOARD OF SUPERVISORS
JAN 10, 1990

C-106C-89 P405

(h) The area, yard and height regulations set forth in Section 22-50.23 of the Zoning Ordinance shall be applicable to development within the Office/Service Parcel.

(i) A Plan of Development as regulated by Section 22-106 of the Zoning Ordinance Code shall be submitted for each development within the Office/Service Parcel. In order to ensure that the Office/Service Parcel is being developed in accordance with the requirements of this proffered condition 8, a conceptual master plan for the development of all of the Office/Service Parcel shall be submitted with each plan of development. Each Plan of Development shall provide a cumulative summary of the amount and types of uses preceding the proposed development and any changes in uses on the Office/Service Parcel then in effect.

(j) Signage permitted on the Office/Service Parcel shall be limited to signage permitted and as regulated under Section 22-104(h) of the Zoning Ordinance.

9. Prohibited Uses. The following uses shall not be permitted on the Property:

- (a) Self-service storage facility.
- (b) Adult Bookstore.
- (c) Massage Parlor.

ACCEPTED BY THE BOARD OF SUPERVISORS
JAN 10, 1990

C-1066-89 p5/5