

COUNTY OF HENRICO PLANNING OFFICE

PT. 86 - A1 - 60
THREE CHOPT DISTRICT

C-76C-89



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COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

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

October 17, 1989

Re: Amended Proffered Conditions C-76C-89

SLN Broad Street Associates, L.P.
c/o Mr. John R. Barbato
1650 Willow Lawn Dr., Suite 3A
Richmond, Virginia 23230

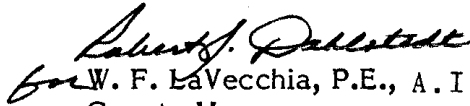
Gentlemen:

The Board of Supervisors at its meeting on October 11, granted your request to amend and reordain proffered conditions on Conditional Rezoning Cases C-65C-86 and C-66C-86.

The attached Seventeen (17) amended and reordained proffered conditions, which supercede all previously accepted conditions, accepted by the Board of Supervisors, further regulate the use of your property in addition to all applicable provisions of Chapter 22, Code of Henrico (Zoning Ordinance). The existing zoning of the property is B-2C Business District (Conditional).

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

Attachments:

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



COUNTY OF HENRICO, VIRGINIA

C-76C-89

SOUTHEAST INTERSECTION
STILLMAN PARKWAY AND BROAD STREET ROAD

PROFFERS FOR CONDITIONAL REZONING

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:

[Handwritten Signature]

Signature of Owner or Applicant*

Attorney-in-Fact

September 13, 1989

Date

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

The following Amended and Restated Proffered Conditions shall apply to the 18.66± acre parcel of land located at the southeast intersection of Stillman Parkway and Broad Street Road (the "Property"), more particularly described as Parcel A on Exhibit A attached hereto and by this reference made a part hereof and replace in their entirety all of the proffers set forth in zoning cases C-85C-84, C-104C-85, C-65C-86 and C-66C-86 insofar as the proffers in said cases were applicable to the Property:

1. Architectural Treatment. The exposed portion of each exterior wall surface (front, rear and sides) of each building constructed on the Property 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 accepted with respect to the exposed portion of any such wall at the time of Plan of Development review. No exposed portion of any exterior wall shall consist of untreated or painted cinder block.

2. Building Area. No more than 184,000 square feet of space devoted to permitted principal uses shall be constructed on the Property.

3. Buffer Areas. Landscaped (with undulating berms) and/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:

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(a) A buffer area a minimum of twenty-five (25) feet in width along the Broad Street Road right-of-way line of the Property and along the northernmost two hundred (200) feet of the right-of-way line of Pemberton Road (as such right-of-way lines are determined at the time of Plan of Development review).

(b) Commencing two hundred (200) feet south of its intersection with Broad Street Road and extending in a southerly direction, a buffer area of a minimum of thirty-five (35) feet in width along the right-of-way line of Pemberton Road (as such right-of-way line is determined at the time of Plan of Development review).

(c) No building, parking space or access drive shall be constructed on the portion of the Property designated Parcel A-1 on the attached Exhibit A, and which parcel extends one hundred (100) feet along Pemberton Road and one hundred twenty-five feet in a westerly direction from Pemberton Road into the Property. Parcel A-1 shall be retained as a landscaped buffer area, except to the extent necessary for utility easements or other purposes approved by the Planning Commission at the time of landscape plan review.

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 and/or berms shall be added. Berms placed within the buffer area along Broad Street Road and the northernmost two hundred (200) feet of Pemberton Road will be a minimum of three (3) feet in height. Berms within the buffer area along Pemberton Road commencing two hundred (200) feet south of Broad Street Road and extending in a southerly direction shall be a minimum of five (5) feet in height. The limits of clearing in the buffer areas shall be shown on the approved Plan(s) of Development.

4. White Pines. White pines of a minimum of seven (7) feet in height (or, if unavailable, trees having a similar screening effect) shall be planted at approximate intervals of fifteen (15) feet along the southern boundary of the Property between Pemberton Road and Stillman Parkway at such time as and to the extent that the presence of such trees shall become necessary to properly screen development on the Property from Pemberton Road.

5. Parking Lot Lighting. 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 Broad Street Road and Pemberton Road, except at vehicular access

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points or as otherwise required at the time of Plan of Development review. Parking lot lighting shall be reduced to no more than a security level following the close of business operations on the Property.

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

7. Mayland Drive. No building permit for the construction of improvements on the Property shall be obtained until plans for the completion of Mayland Drive between Pemberton Road and Stillman Parkway, and a vehicular access drive connecting Mayland Drive and Broad Street Road (which vehicular access drive may be the extension of Stillman Parkway from Broad Street Road to Mayland Drive) are approved by appropriate governmental bodies having jurisdiction with respect thereto, and a completion bond for such roads or access drive (if necessary) is posted with the Henrico County Department of Public Works, guaranteeing the completion of the aforesaid roadway improvements within one (1) year of the posting of such bond.

8. Access Drives. (a) There shall be no more than two (2) access drives to or from the Property, to or from Broad Street Road, and there shall be no more than (1) access drive to or from the Property, to or from Pemberton Road, unless other access drives to or from the Property are required by any governmental body having jurisdiction with respect thereto.

(b) No left turn shall be permitted for vehicles exiting the Property and entering on to Pemberton Road, unless otherwise required by any governmental body having jurisdiction with respect thereto.

(c) A left turn into the Property from Pemberton Road for vehicles traveling north on Pemberton Road shall be permitted only if a "stacking lane" is provided to minimize any disruption to north bound traffic on Pemberton Road as a result of such left turn movement, unless otherwise required by any governmental body having jurisdiction with respect thereto.

(d) Signage shall be placed on the Property in the vicinity of the access drive to and from the Property, to and from Pemberton Road, indicating that delivery vehicles are precluded from having access to Pemberton Road from such access drive.

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9. Deceleration Lane. A deceleration lane will be provided to facilitate a right turn into the Property by vehicles travelling south on Pemberton Road.

10. Ground Coverage. The ground area covered by buildings located on the Property shall not exceed twenty-three percent (23%) in the aggregate.

11. Height Restriction. No building constructed on the Property shall exceed the lesser of two (2) stories or thirty-six (36) feet in height, exclusive of chimneys or other architectural design features.

12. Signage. No sign attached to any building on the Property shall extend above the roof line of the building to which it is attached. Illuminated business signs shall be of a "backlit" type, i.e., the background of the sign shall be dark and the logos and lettering on such signs shall be illuminated from within the sign structure.

13. Use Restriction. The following uses shall not be permitted on the Property:

- (a) skating rinks;
- (b) billiard parlors;
- (c) establishments operated primarily as amusement or video game parlors;
- (d) repair business for electrical, heating or plumbing systems;
- (e) mortuaries; and
- (f) adult book stores.

14. Location Restriction. No automobile gasoline service station, hotel, motel or "fast-food" or "carryout" restaurant shall be permitted within that portion of the Property lying east of Line "B" extending perpendicularly from Broad Street, as shown on Exhibit A attached hereto. For purposes hereof, "fast food" or "carryout" restaurant is hereby defined as an establishment whose principal business is the sale of foods and beverages to consumers in a ready-to-consume state and which foods and beverages are usually served in paper, plastic or other disposable containers or wrappers for immediate consumption either within the restaurant building or off the premises.

15. Sanitary Sewer. In providing sanitary sewer service to the Property, the owner shall extend the sewer line to the boundary line of the Property abutting Pemberton Road and shall grant any necessary easements to Henrico County so as to allow other area property owners to have access to such sewer line.

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16. Trash Receptacles. All trash receptacle areas will be screened from view off-site.

17. Exhibit A. The plat attached hereto as Exhibit A is solely for purposes of delineating the exterior boundary lines of the Property, Parcel A-1 and zoning Line B and not for purposes of delineating building or parking locations, layout or for any other purpose.

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