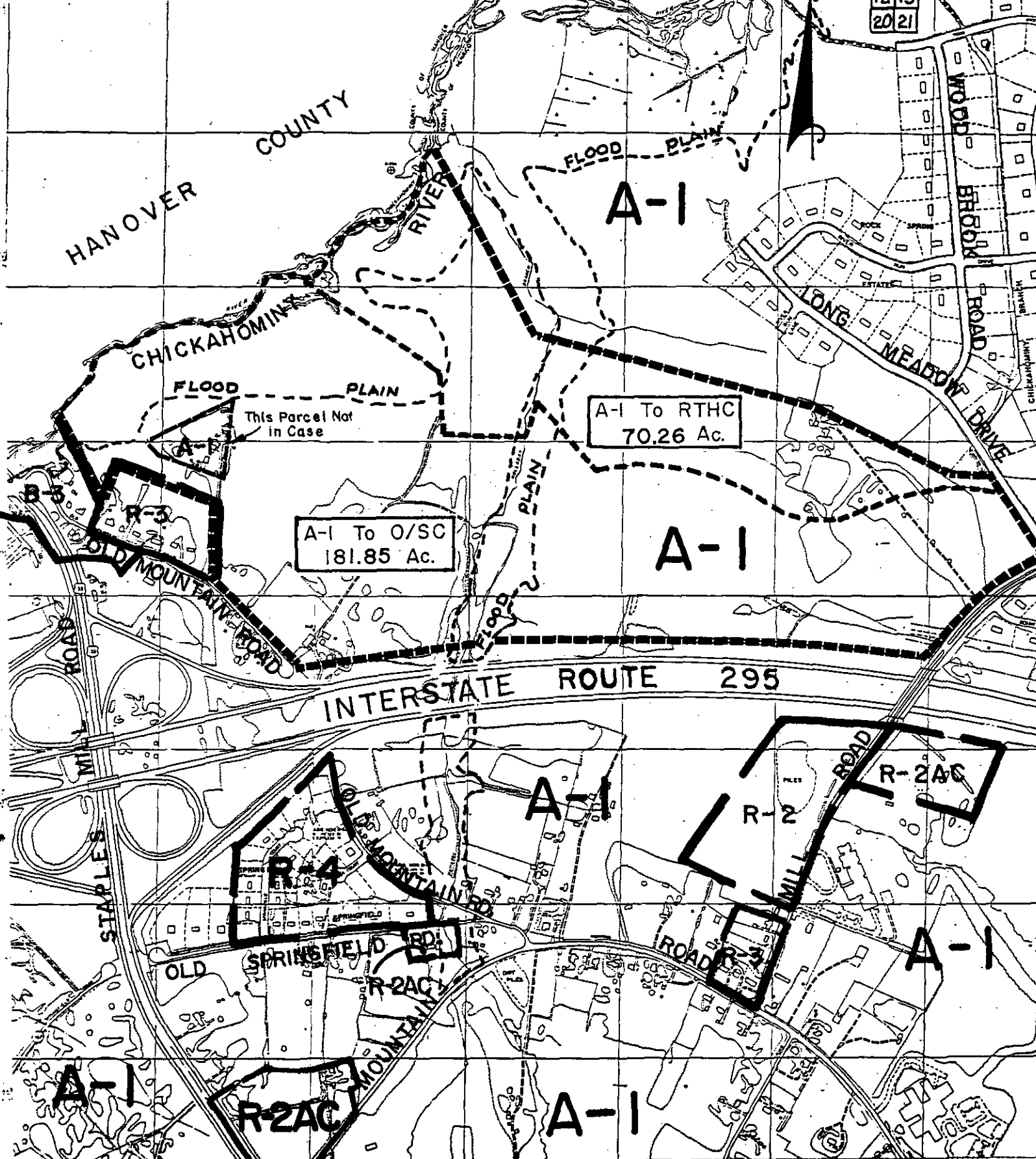


HANOVER COUNTY



This Parcel Not in Case

A-1 To RTHC
70.26 Ac.

A-1 To O/SC
181.85 Ac.

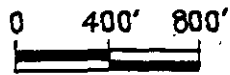
COUNTY OF HENRICO PLANNING OFFICE

OFFICE, OFFICE/SERVICE & TWNHSE.

VARIOUS PARCELS

BROOKLAND DISTRICT

C-72C-90



®

JAS

COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

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

February 20, 1991

Re: Conditional Rezoning Case C-72C-90

Mr. Frank A. Crovo, Jr., President
Richmond Land Corporation
RF&P Railroad Company
RF&P Properties, Inc.
Post Office Box 11281
Richmond, Virginia 23230

Dear Mr. Crovo:

The Board of Supervisors at its meeting on February 13, granted your request to conditionally rezone property from A-1 Agricultural to O/SC Office Service District (Conditional) and RTHC Residential Townhouse District (Conditional), property described as follows:

Parcels 88-A2-6, 7, and 90-A1-1, 7 and part of Parcels 90-A1-5, 8, and 90-B1-11:

A-1 to O/SC:

Beginning at a point on the northern line of Interstate 295 and the western line of Mill Road; thence along a curve to the left having a radius of 11,609.16' and a length of 2,038.91'; thence N. 13° 04' 33" E., 396.01'; thence S. 35° 35' 17" W., 482.42'; thence along a curve to the left having a radius of 11,609.16' and a length of 1,552.63'; thence S. 78° 06' 50" W., 184.36'; thence N. 85° 16' 42" W., 46.01'; thence N. 43° 17' 27" W., 571.06'; thence N. 44° 26' 19" W., 303.52'; thence N. 44° 26' 25" W., 16.19'; thence N. 23° 29' 01" E., 56.08'; thence N. 03° 12' 55" E., 193.9'; thence N. 8° 23' 23" W., 125.19'; thence N. 8° 13' 33" E., 36.49'; thence N. 48° 32' 07" W., 142.46'; thence N. 64° 15' 25" W., 521.13'; thence S. 25° 46' 28" W., 217.99'; thence N. 28° 16' 56" W., 249.93'; thence N. 28° 16' 56" W., 390.0'; thence N. 39° 36' 01" E., 462.95' to a point in the Chickahominy River; thence with the Chickahominy River 1,450', more or less; thence N. 56° 09' 47" W., 1,110', more or less; thence due south 400'; thence due east 550'; thence N. 14° 23' 46" E., 250'; thence S. 40° 59' 37" E., 627.19'; thence along a curve to the right having a radius of 809.34' and a length of 319.24'; thence S. 84° 35' 00" E., 205'; thence along a curve to the right having a radius of 803.18' and a length of 344.61'; thence S. 60° 00' 00" E., 245'; thence along a curve to the left having a radius of 805.88' and a length of 790'; thence N. 63° 50' 00" E., 130'; thence along a curve to the right having a radius of 807.72' and a length of 556.84'; thence S. 76° 40' 00" E., 246.01'; thence S. 36° 06' 40" E., 459.29' to a point in the northern line of Mill Road; thence S. 65° 15' 19" W., 163.72'; thence S. 59° 25' 55" W., 165.56'; thence S. 54° 16' 36" W., 153.35'; thence S. 48° 12' 28" W., 257.20'; thence S. 43° 03' 15" W., 164.59'; thence N. 81° 30' 18" W., 766.58'; thence S. 39° 31' 39" W., 59.29'; thence S. 75° 58' 37" E., 721.04'; thence S. 36° 52' 58" W., 108.14' to the point and place of beginning, containing 181.85 acres, more or less, and less and except that 2.2 +/- acre parcel on the western portion of the property designated as Parcel 88-A2-8, as shown on a plat by Youngblood, Tyler & Assoc., P.C. entitled "R.F.&P. Rezoning Plat", dated September 26, 1990, last revised December 27, 1990.

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A-1 to RTHC:

Beginning at a point on the western line of Long Meadow Drive being 459.29', more or less, northwest of the point of the intersection with the western line of Long Meadow Drive and the northern line of Mill Road; thence N. 76° 40' 00" W., 246.01'; thence along a curve to the left having a radius of 807.72' and a length of 556.84'; thence S. 63° 50' 00" W., 130.00'; thence along a curve to the right having a radius of 805.88' and a length of 790.0'; thence N. 60° 00' 00" W., 245'; thence along a curve to the left having a radius of 803.18' and a length of 344.61'; thence N. 84° 35' 00" W., 205.0'; thence along a curve to the left having a radius of 809.34' and a length of 319.24'; thence N. 40° 59' 37" W., 627.19'; thence S. 14° 23' 46" W., 250.0'; thence due west 550.0'; thence due North 400.0'; thence N. 56° 09' 47" W., 1,110', more or less, to the center line of the Chickahominy River; thence along the Chickahominy River 1,410.0', more or less; thence S. 27° 29' 47" E., 1,385', more or less; thence S. 77° 08' 17" E., 101.3'; thence S. 77° 08' 17" E., 1,830.0'; thence S. 62° 16' 15" E., 931.54'; thence S. 83° 40' 06" E., 305.34'; thence S. 36° 06' 40" E., 195.97' to the point of beginning, containing 70.26 acres, more or less, as shown on a plat by Youngblood, Tyler & Assoc., P.C. entitled "R.F.&P. Rezoning Plat", dated September 26, 1990, last revised December 27, 1990.

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):

Applicable to Office Service Conditional Parcel:

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, drivit or stucco if applied to a masonry surface, or glass, unless other aesthetically comparable finished materials are otherwise specifically requested by the applicant and approved 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. The percentage of space being developed shall be certified by the Owner's surveyor or engineer at each Plan of Development review. For the purposes of calculating site coverage, dedicated public streets shall not be included as part of the Property.
3. Buffer Area. A landscaped or natural planted buffer area of a minimum of fifty (50) feet in width shall be maintained along the northern, western and southern exterior boundaries and a landscaped or natural planted buffer area of a minimum of seventy-five (75) feet in width along the eastern exterior boundary of the Property. A landscaped earthen berm shall be constructed and maintained south of

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Hunton Parkway as shown on the landscape plan marked as Exhibit A (in case file). A landscaped or natural planted buffer area of a minimum of fifty (50) feet in width shall be maintained between residential and nonresidential uses on the Property. Utility easements, signage, roads, access drives, sidewalks, jogging trails and other uses required or permitted at the time of Plan of Development review may be permitted within the aforesaid buffer areas, except that any utility easement or roadway extended through the buffer areas shall be extended generally perpendicular thereto unless otherwise specifically permitted by the County at the time of Plan of Development review, and where practicable and permitted, areas disturbed for utility installations shall be restored. If approved by the Planning Commission at the time of Plan of Development review, landscaped earthen berms may be included within the aforesaid buffer areas. Existing vegetation and underbrush may, and fallen, diseased or dead plant growth shall, be removed from such buffer areas and, if so removed, additional berms and/or plantings shall be added. The foregoing landscaping, buffering and berming requirements are intended to be minimum requirements for the development of the Property.

4. Building Setback. No building shall be constructed on the Property within one hundred (100) feet of the western right-of-way line of Mill Road.
5. Parking Lot Landscaping. Parking lots serving the 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 fixtures shall not exceed twenty (20) feet in height as measured from the grade of the base of the lighting standard and shall be produced from concealed sources of light and shall be reduced to no more than a security level following the close of business operations.
7. HVAC. Heating and air conditioning equipment shall be screened from public view such that it cannot be seen by the public at ground level from adjoining streets and properties at the site boundary lines in a manner satisfactory to and approved by the Planning Commission at the time of Plan of Development review.
8. Conceptual Master Plan. A Conceptual Master Plan for the entire development shall be submitted and updated with each Plan of Development request. Development of each individual site on the Property shall be subject to Plan of Development review. Each Plan of Development shall provide a cumulative summary of the amount of square footage and types of uses preceding the proposed development and any changes in uses then in effect.
9. Trash Dumpsters. The screening for trash dumpsters shall be constructed of substantially the same materials as the buildings they serve or materials which are compatible therewith and the trash dumpsters shall be screened from public view such that they cannot be seen by the public at ground level from adjoining streets and properties at the site boundary lines in a manner satisfactory to and approved by the Planning Commission at the time of Plan of Development review.

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10. Pedestrian Access. Pedestrian access ways will be planned within major project areas at the time of Plan of Development and/or Subdivision approval and shown on the Conceptual Master Plan to be submitted with each request for Plan of Development review.
11. Vehicular Access. Principal vehicular accesses to or from the Property shall, at full development, be as follows:
 - (i) an at-grade intersection on Staples Mill Road,
 - (ii) a collector-distributor access road on the westbound lane of I-295, and
 - (iii) a grade separated intersection at Mill Road, without access to Mill Road, where the east-west spine road ("Hunton Parkway"), runs beneath Mill Road;unless any of such accesses are precluded and/or other means of access are specifically approved by the County at the time of Plan of Development and/or Subdivision review or by any governmental body having jurisdiction with respect thereto.
12. Service Road. Owner shall submit a request to the County/VDOT to vacate the service road located on the west side of Mill Road near I-295 and if not vacated, Owner agrees not to use same for access.
13. Long Meadow Drive. Owner shall relocate Long Meadow Drive, at Owner's expense, such that it intersects with Mill Road at a location acceptable to the County. At no point shall Long Meadow Drive intersect with Hunton Parkway at grade level. Residents of Rock Springs Estates shall have continued access to Mill Road over Long Meadow Drive in its present location until construction of the relocated Long Meadow Drive is completed and accepted by the County. Owner shall consult with representatives of Rock Springs Estates regarding the design and landscaping of the relocated Long Meadow Drive entrance to Rock Springs Estates.
14. Public Amenities. The Protective Covenants referred to in Proffer 27 hereof shall provide that members of the Hunton Civic & Recreation Association and residents of the adjoining subdivisions will be allowed access, for purely recreational purposes, to any established common area walking or jogging trails and parks in Hunton, subject to such rules and regulations as shall be promulgated from time to time governing the use of such facilities.
15. Service Hours. The hours for deliveries to and trash pickup from any building located within one thousand (1000) feet of an existing off-site residence shall not commence before 7:00 a.m. or extend beyond 9:00 p.m.
16. Maintenance. All grounds on the Property which adjoin Hunton Parkway, the roads and entrances on the Property shall be maintained by the Owner or Owner's association established for such purposes.

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Applicable to Residential Townhouse Conditional Parcels:

17. Minimum Size. At full development, the minimum sizes of the residential units to be constructed on the Property shall be:
 - (a) No more than twenty percent (20%) of the units shall contain no less than 1,200 square feet of finished floor area;
 - (b) In addition to subparagraph (a), no more than thirty percent (30%) shall contain no less than 1,500 square feet of finished floor area; and
 - (c) In addition to subparagraphs (a) and (b), no less than fifty percent (50%) shall contain no less than 1,900 square feet of finished floor area, provided that up to twenty-five percent (25%) of the floor area of the residential units referred to in subparagraphs (b) and (c) above may be in unfinished space.
18. Density. The aggregate density shall be no more than three and one half (3.5) units per gross acre of the Property.
19. Foundations. The exterior portions of all residential foundations above ground level shall be constructed of brick. All finished floor areas, except basements, shall be constructed above grade or give the appearance of being constructed above grade.
20. Chimneys The exterior portions of any and all chimneys shall be of brick construction.
21. Clearing. To the extent reasonably practical at the time of development, the clearing of mature trees on residential lots shall be limited to trees in areas required to accommodate the structure and its normal and customary accessories, open yard areas and those limited areas required to permit utility services and driveways.
22. Buffer Area. A landscaped or natural planted buffer area of a minimum of seventy-five (75) feet in width shall be maintained along the approximately two thousand eight hundred (2,800+-) feet of the northern boundary of the residential portion of the Property adjacent to Rock Springs Estates subdivision and a minimum of fifty (50) feet in width shall be maintained along the approximately one thousand two hundred (1,200+-) feet of the western most portion of the balance of the northern boundary of the residential portion of the Property adjacent to Rock Springs Estates subdivision. A landscaped or natural planted buffer area of a minimum of fifty (50) feet in width shall be maintained along the other boundaries of the Property and between residential and nonresidential uses on the Property. Utility easements, signage, roads, access drives, sidewalks, jogging trails and other uses required or permitted at the time of Subdivision and/or Plan of Development review may be permitted within the aforesaid buffer areas, except that any utility easement or roadway extended through the buffer areas shall be extended generally perpendicular thereto unless otherwise specifically permitted by the county at the time of Plan of Development review, and where practicable and permitted, areas disturbed for utility installations shall be restored. If approved by the Planning Commission at the time of Plan of Development review, landscaped earthen berms may be included within the aforesaid buffer areas. Existing vegetation and underbrush may, and fallen, diseased or dead plant growth shall, be removed from such buffer areas and, if so removed, additional berms and/or plantings shall be added.

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23. Ownership. The residential units shall be marketed by the Owner as owner-occupied.
24. Building Materials. The residential units shall be of a high quality with exterior materials and landscaping similar to or better than those used in the Bluffs at Stony Point, as determined by the Planning Commission at the time of Subdivision/Plan of Development review. See Exhibit B. (in case file).
25. Fence. A six (6) foot high, salt-treated, shadow box type, wooden fence shall be installed and maintained on the Property along the 2,800 +- feet of the northern boundary of the residential portion of the Property adjacent to the Rock Springs Estates Subdivision. A six (6) foot high chain link fence which shall be colored black or dark green shall be installed on the Property along the 1,200 +- feet of the western most portion of the balance of the northern boundary of the residential portion of the Property adjacent to Rock Springs Estates Subdivision. The construction of the portion of said fence shown on each approved Subdivision/Plan of Development shall commence concurrent with the construction of any residential units shown thereon and be diligently pursued to completion, force majeure excepted.
26. Underground Utilities. All utility lines, such as electric, telephone, CATV or other similar lines, shall be installed underground unless otherwise specifically approved by the Planning Commission at the time of Plan of Development review. This requirement shall apply to lines serving individual sites as well as to the utility lines necessary within the Property, but not to existing lines on the Property.

Applicable to All Parcels:

27. Protective Covenants. Prior to or concurrent with the recordation of a subdivision plat approved by the County and before the conveyance of any portion of the Property covered by said subdivision plat (other than for the dedication of easements, roads or utilities), there shall be recorded a document in the Clerk's Office of the circuit court of Henrico County, Virginia, setting forth controls on the development and maintenance of such portions of the Property. Notwithstanding anything herein contained to the contrary, the County shall have no obligation or liability of any kind or nature whatsoever for the enforcement of any of the specific terms and conditions of said protective or restrictive covenants.
28. Conservation/Preservation 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 a structure or structures approved by the Department of Public Works; non-tidal wetlands protected by Federal Law; and preservation areas established by Henrico County

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pursuant to the Chesapeake Bay Preservation Act and regulations promulgated thereunder; may only be used for the following purposes:

- (a) Storm water management and/or retention areas;
- (b) Ponds, lakes and similar areas intended as aesthetic and/or recreational amenities and/or wildlife habitats;
- (c) Access drives, utility easements, signage, walkways and recreational facilities installed in a manner to minimize their impacts; and
- (d) Such additional uses to the uses identified in (a), (b) and (c) above as may be deemed compatible and/or of the same general character by the Planning Administrator (Director of Planning) pursuant to Chapters 19 and 22 of the Henrico County Code (respectively, the "Subdivision and Zoning Ordinances").

The Owner shall, upon written request of the county, cooperate with the County to rezone to C-1 Conservation District such portions of the Property as are included within any approved Plan of Development.

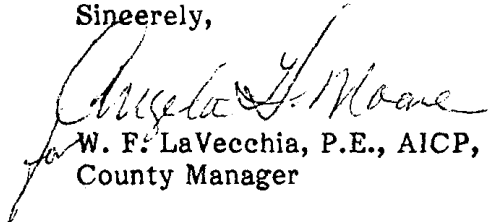
29. Easements for Public Utilities. Easements for public water and sewer lines serving the Property will be made available with each phase of development to adjoining landowners west of Mill Road for extension and connection thereto in accordance with applicable County regulations.
30. Access to Rock Springs Estates. Owner shall not request the connection of any road from the Property to any road in the Rock Springs Estates subdivision at any time.
31. Hours of Construction. No land clearing, road or water/sewer line construction or construction of the exterior shell of any building shall occur on Sunday or other days between the hours of 7:00 p.m. and 6:00 a.m., except in emergencies or where unusual circumstances require extending these specified hours in order to complete work such as concrete pours or utility connections.
32. Traffic. With regard to the property included in Cases C-71C-90, C-72C-90, and C-73C-90, development shall not exceed 620,000 square feet of combined office and office/service space and eighty (80) residential units ("Phase I") until another means of access in addition to the Staples Mill Road intersection is approved by the County, provided that this development threshold can be exceeded if specifically approved by the Planning Commission.
33. Traffic Impact Study. Owner will provide, upon written request of the county, an updated Traffic Impact Study following the completion of Phase I development and upon written request of the County from time to time thereafter to ensure that the traffic generated by proposed further development will meet levels of service acceptable to the County.
34. Burning Restrictions. No burning shall take place on the Property during construction or development thereof.

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35. Severance. The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.

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., AICP,
County Manager

cc: Clerk, Board of Supervisors
Supervisor, Real Estate Assessment
Conditional Zoning Index
Mr. Jay M. Weinberg, Esquire
Ms. Gloria L. Freye, Esquire