

SHOPPING CENTER

C-71C-95



PT. OF 76-A2-2
THREE CHOPT DISTRICT

HENRICO COUNTY PLANNING OFFICE



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

March 19, 1996

Re: Conditional Rezoning Case C-71C-95

Mr. Daniel T. Schmitt
Loch Levan Land Limited Partnership
100 Concourse Blvd., Ste. 100
Glen Allen, Va. 23060

Dear Mr. Schmitt:

The Board of Supervisors at its meeting on March 13, 1996 granted your request to conditionally rezone property from O-SC Office Service District (Conditional) to B-2C Business District (Conditional), Part of Parcel 18-A-22B, described as follows:

Beginning at a point on the eastern line of Nuckols Road, said point being 250.11' S. of the southern line extended of proposed Wyndham Forest Drive; then from said point of beginning and leaving the E. line of Nuckols Road N. 76° 54' 00" E., 520.22' to a point; thence N. 12° 43' 55" W., 267.30' to a point on the southern line of proposed Wyndham Forest Drive; thence leaving the southern line of proposed Wyndham Forest Drive S. 25° E., 375.57' to a point; thence S. 42° 45' E., 242.52' to a point; thence S. 45° 19' 30" W., 43.34' to a point; thence S. 44° 56' 30" W., 801.85' to a point on the E. line of Nuckols Road; thence continuing along the E. line of Nuckols Road along a curve to the right with a radius of 1585.02' and a length of 345.18' to a point; thence along a curve to the right with a radius of 1101.86' and a length of 23.42' to a point; thence S. 75° 24' 50" W., 9.92' to a point; thence along a curve to the right with a radius of 1089.48' and a length of 144.72' to a point; thence N. 0° 16' 58" E., 257.63' to the point and place of beginning, containing 9.090 acres of land.

The Board of Supervisors accepted the following proffered conditions which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. Greenbelt. A greenbelt for landscaping (which may include berms), natural open areas and scenic vistas will be provided thirty (30) feet in width adjacent to the existing right-of-way line of Nuckols Road and, except as otherwise set forth in Proffer No. 2 below, twenty-five (25) feet in width adjacent to the ultimate northern right-of-way line of Concept Road 76-2 (currently known as Twin Hickory Lane) except to the extent necessary for utility easements, bicycle paths, jogging trails, signage, sidewalks, access driveways for major project areas (which access driveways shall run generally perpendicular to the

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greenbelt), and other purposes requested and specifically permitted, or if required by, the Planning Commission at the time of Plan of Development review, or by any other governmental body.

2. Buffers. A natural, undisturbed evergreen buffer area, together with supplemental plantings consisting of eight (8) to ten (10) foot tall Leyland cypress trees planted eight (8) to ten (10) feet on center the length of the buffer, of a minimum width as set forth below will be provided and maintained except to the extent necessary for a single accessway, utility easements, signage or other purposes specifically permitted or required by the Planning Commission at the time of Plan of Development review, or by any other governmental body:
 - a. fifty (50) feet in width along that portion of the eastern (rear) boundary line of the Property (identified as having a course of S. 42° 45' 00" E) for a distance of one hundred (100) feet from the ultimate right-of-way line of Concept Road 76-2 (currently known as Twin Hickory Lane);
 - b. fifty (50) feet in width along that portion of the southern boundary line of the Property adjacent to the ultimate northern right-of-way line of Concept Road 76-2 (currently known as Twin Hickory Lane) for a distance of two hundred fifty (250) feet from the intersection of the eastern boundary line of the Property and the southern boundary line of the Property.

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. Installation of the supplemental plantings shall be completed prior to the construction of any buildings, the Plans of Development for which include any portions of the Property adjacent to the southern boundary line of the Property.

3. Open Space. No more than sixty-five percent (65%) of the Property may be covered by buildings, driveways and parking areas.
4. Density Limitation. No more than an average of eight thousand (8,000) square feet of building floor area per acre shall be developed on the Property.
5. Exterior Materials. The exposed portion of each exterior wall surface (front, rear and sides) of each building constructed on the Property (excluding rooftop screening materials for mechanical equipment) shall be similar to the exposed portions of other exterior walls of such building in architectural treatment and materials. All buildings constructed on the Property shall have exposed exterior walls (above finished grade) predominantly of either, or a combination of, face brick, natural stone, glass, stucco, drivit, split-face block, or an equivalent permanent architecturally finished material, unless different architectural

treatment and/or materials are specifically approved with respect to the exposed portion of any such wall, at the time of Plan of Development review. No building shall be covered with or have exposed to view any painted or unfinished plain concrete block, sheet or corrugated aluminum, asbestos or metal, unless otherwise specifically approved by the Planning Commission at the time of Plan of Development review.

6. Outparcel Restrictions. Any free standing building constructed on the Property shall be complementary in architectural treatment to any building constructed on the Property, unless otherwise requested and specifically permitted, or if required by, the Planning Commission at the time of Plan of Development review, or by any other governmental body. There shall be a maximum of two (2) outparcels permitted on the Property. No free standing "fast food" restaurant nor a convenience store shall be located on the outparcel, if any, situated at the northeast corner of Nuckols Road and Concept Road 76-2 (currently known as Twin Hickory Lane). A "fast food" restaurant is hereby defined as an establishment whose principal business is the sale of beef, ham, pork, chicken, fish or pizza foods and beverages to consumers in a ready-to-consume state and in which such 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. Neither outparcel shall have direct vehicular access to Nuckols Road.
7. Use Restrictions. The following uses shall not be permitted on the Property:
 - (a) Adult book stores;
 - (b) Dance halls;
 - (c) Gun shops;
 - (d) A facility for the sale or display of pornographic material (as determined by community standards for the area in which the Property is located);
 - (e) Flea markets;
 - (f) Massage parlors;
 - (g) Private fraternal club or lodge organizations and meeting halls;
 - (h) Towing services;
 - (i) Communication towers;
 - (j) Bingo; and
 - (k) Video game parlor businesses.
8. No Loud Speakers. Outside loud speakers shall be prohibited. The use of intercom-type systems commonly associated with bank and savings and loan drive-through facilities shall be permitted.
9. Access. There shall be no more than two vehicular access points to Concept Road 76-2 (currently known as Twin Hickory Lane).

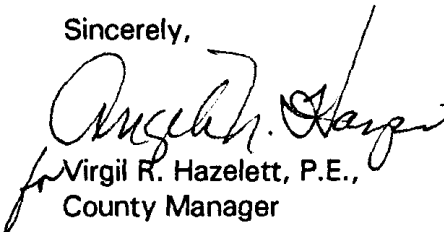
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10. Pedestrian and Bicycle Access. Pedestrian and bicycle access ways will be provided within and between major project areas at the time of Plan of Development approval.
11. Signs. Detached signs on the Property shall be compatible in type and appearance with other detached signs on the Property and shall be ground mounted monument-style signs. The non-detached signs on the Property shall be compatible in type and appearance with other non-detached signs on the Property and, if lighted, shall be internally lit.
12. Parking Lot Lighting. Parking lot lighting fixtures shall not exceed twenty-five (25) feet in height above grade level. Parking lot lighting shall be produced from concealed sources of light (i.e., "shoe box" type) and shall be reduced to no more than a security level following the close of business operations.
13. HVAC. Roof-top heating and air conditioning equipment shall be screened from public view at ground level at the property line; in a manner approved at the time of Plan of Development review.
14. Trash Receptacles. Central trash receptacles, not including convenience cans, shall be screened from public view at ground level, in a manner approved at the time of Plan of Development review.
15. 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,


for Virgil R. Hazelett, P.E.,
County Manager

cc: Director, Real Estate Assessment
Conditional Zoning Index
Messrs. James W. Theobald &
Charles H. Rothenberg, Esquires