

AREA IV  
A-1 TO O-2C  
6.407 ACRES

AREA II  
A-1 & B-3C TO B-2C  
17.562 ACRES

AREA III  
A-1, B-3C & O-1 TO B-2C  
28.572 ACRES

AREA V  
A-1 & O-1 TO O-2C  
14.389 ACRES

AREA I  
A-1, B-3C & O-1 TO O-3C  
50.469 ACRES

**ZONING**  
OFFICE & RETAIL <sup>®</sup> **C-70C-03**  
**Three Chopt District**



November 2003

\* Zoning labeled with asterisk, included in the West Broad Street Overlay District

Ref. 742-760-7866

0 500 Feet



COMMONWEALTH OF VIRGINIA  
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.  
County Manager

September 21, 2004

John J. and Ima M. Liesfeld Family LLC  
a Virginia Limited Liability Company  
c/o Mr. Tom Liesfeld  
20061 Vontay Road  
Dabneys, VA 23102

Re: Conditional Rezoning Case C-70C-03

Dear Mr. Liesfeld:

This letter is a correction to the letter dated August 17, 2004.

The Board of Supervisors at its meeting on August 10, 2004, granted your request to conditionally rezone property from A-1 Agricultural District, O-1 Office District, and B-3C Business District (Conditional) to O-2C and O-3C Office Districts (Conditional) and B-2C Business District (Conditional), Parcels 741-760-6979, 742-760-1598, 7866, 742-761-5510, 743-759-3484, 743-760-5660, 9645, 744-759-0218, 1131, 1315, 2099, 2249, 2228, 2613, 3047, 3326, 4055, 4211, 4242, 4561, 4922, 5068, 5176, 5485, 5633, 5898, 6242, 6761, 7358, 7490, 8271, 8498, 8979, 744-760-7404, 7418, 8832, 8908, 9016, 9125, 745-759-0189, 0898, 745-760-1419 and part of Parcels 741-760-8628, 4323, and 741-759-0697, described as follows:

**Area I**

From a point at the eastern end of Service Road a which is the end of the limited access line for the I-64 ramp; thence S83°45'10"E, a distance of 24.45' to a point; thence S80°39'52"E, a distance of 26.63' to a point; thence along a curve to the right with a radius of 899.93', a length of 593.85' to a point; thence S41°00'10"E, a distance of 372.47' to a point; thence along a curve to the left with a radius of 647.20', a length of 442.90' to a point; thence S36°22'26"W, a distance of 1389.99' to a point on the north side of Three Chopt Road; thence N79°59'30"W, a distance of 67.70' to a point; thence along a curve to the right with a radius of 2452', a length of 447.70' to a point; thence S36°09'26"W, a distance of 18.69' to a point; thence along a curve to the right with a radius of 2470', a length of 348.34' to a point; thence N61°19'58"W, a distance of 185.66' to a point; thence N36°10'31"E, a distance of 25.18' to a point; thence N61°02'35"W, a distance of 105.97' to a point; thence along a curve to the right with a radius of 2052.65', a length of 155.50' to a point; thence N20°35'14"E, a distance of

565.39' to a point; thence S64°49'08"E, a distance of 133.65' to a point; thence along a curve to the left with a radius of 800', a length of 79.31' to a point; thence N10°48'41"E, a distance of 100.78' to a point; thence along a curve to the right with a radius of 800' for a length of 111.17' to a point; thence N18°46'24"E, a distance of 55.96' to a point; thence along a curve to the right with a radius of 400', a length of 117.54' to a point; thence N35°36'34"E, a distance of 100.82' to a point; thence along a curve to the right with a radius of 399.92', a length of 248.70' to a point; thence N11°28'15"E, a distance of 161.40' to a point; thence S81°12'20"E, a distance of 17.86' to a point; thence N36°20'30"E, a distance of 129.57' to a the point of beginning, containing 50.469 acres.

### **Area II**

From a point at the northeast corner of the property on the southern right-of-way of West Broad Street approximately 1940' west of the I-64 ramp, thence S76°22'25"E, a distance of 9.34' to a point; thence S13°37'35"W a distance of 16' to a point; thence S76°22'25"E, a distance of 17' to a point; thence N13°37'35"E, a distance of 16' to a point; thence S76°22'25"E, a distance of 333' to a point; thence S13°37'35"W, a distance of 17' to a point; thence S76°22'25"E, a distance of 16' to a point; thence N13°37'35"E, a distance of 17' to a point; thence S76°22'25"E, a distance of 163' to a point; thence S13°37'35"W, a distance of 17' to a point; thence S76°22'25"E, a distance of 17' to a point; thence N36°00'23"E, a distance of 18.38' to a point; thence S76°22'25"E, a distance of 330.93' to a point; thence along a curve to the left with a radius of 5792.58', a length of 102.13' to a point; thence S12°37'04"W, a distance of 21' to a point; thence along a curve to the left with a radius of 5813.58', a length of 15.22' to a point; thence N12°28'04"E, a distance of 21' to a point; thence along a curve to the left with a radius of 5792.58', a length of 248.82' to a point; thence S10°00'24"W, a distance of 7' to a point; thence S80°45'27"E, a distance of 155' to a point; thence N8°43'41"E, a distance of 7' to a point; thence S81°16'19"E, a distance of 69.50' to a point; thence S43°10'03"E, a distance of 7.52' to a point; thence S31°52'02"W, a distance of 10.85' to a point; thence N82°56'24"E, a distance of 13.19' to a point; thence S43°52'22"E, a distance of 19.85' to a point; thence along a curve to the left with a radius of 92', a length of 126.27' to a point; thence S81°15'38"E, a distance of 179.61' to a point; thence S23°41'25"E, a distance of 65.33' to a point; thence S81°12'20"E, a distance of 44.27' to a point; thence S11°28'15"W, distance of 161.40' to a point; thence along a curve to the left with a radius of 399.92', a length of 198.36' to a point; thence N76°22'25"W, a distance of 2010.35' to a point; thence N47°37'11"E, a distance of 475.04' to a point; being the point of beginning, containing 17.562 acres.

### **Area III**

From a point on the western property line with parcel GPIN 741-761-8532; thence S76°22'25"E, a distance of 2010.35' to a point; thence along a curve to the right with a radius of 399.92', a length of 50.34' to a point; thence S35°36'34"W, a distance of

100.82' to a point; thence along a curve to the left with a radius of 400', a length of 117.54' to a point; thence S18°46'24"W, a distance of 55.96' to a point; thence along a curve to the left with a radius of 800' a length of 111.17' to a point; thence S10°48'41"W, a distance of 100.78' to a point; thence along a curve to the right with a radius of 800', a length of 79.31' to a point; thence N64°49'08"W, a distance of 302.57' to a point; thence N70°52'02"W, a distance of 259.50' to a point; thence N77°09'18"W, a distance of 243.07' to a point; thence N85°25'41"W, a distance of 453.25' to a point; thence N77°06'47"W, a distance of 220.24' to a point; thence S70°08'31"W, a distance of 138.56' to a point; thence N81°04'16"W, a distance of 457.60' to a point; thence N82°36'50"W, a distance of 148.70' to a point; thence N24°21'02"E, a distance of 354.14' to a point; thence N38°51'50"W, a distance of 50' to a point; thence N48°38'22"E, a distance of 292.91' to a point; thence N47°48'18"E, a distance of 30.19' to a point; thence N47°37'11"E, a distance of 94.35' to the point of beginning, containing 28.572 acres.

#### **Area IV**

From a point on the northeastern most corner with John Rolfe Parkway; thence S67°31'03"E, a distance of 37.11' to a point; thence S37°38'34"E, a distance of 149.84' to a point; thence S37°31'26"E, a distance of 193.59' to a point; thence S37°40'20"E, a distance of 150.18' to a point; thence S38°51'50"E, a distance of 50' to a point; thence S24°21'02"W, a distance of 354.14' to a point; thence N76°35'09"W, a distance of 518.73' to a point; thence along a curve to the right with a radius of 5689.58', a length of 313.53' to a point; thence along a curve to the left with a radius of 5769.58', a length of 167.06' to a point; thence along a curve to the left with a radius of 2439.51' a length of 225.67' to the point of beginning, containing 6.407 acres.

#### **Area V**

From a point at the northern right-of-way of Three Chopt Road at the western intersection with the Three Chopt Road connection; thence S85°46'22"W, a distance of 178.72' to a point; thence along a curve to the left with a radius of 987.93', a length of 357.88' to a point; thence along a curve to the left with a radius of 991.25', a length of 37.26' to a point; thence along a curve to the left with a radius of 988.21', a length of 18.85' to a point; thence N19°32'14"W, departing from Three Chopt right-of-way a distance of 532.95' to a point; thence N70°08'31"E, a distance of 138.56' to a point; thence S77°06'47"E, a distance of 220.24' to a point; S85°25'41"E, a distance of 453.25' to a point; thence S77°09'18"E, a distance of 243.07' to a point; thence S70°52'02"E, a distance of 259.50' to a point; thence S64°49'08"E, a distance of 168.92' to a point; thence S20°35'14"W, a distance of 565.39' to a point; thence along a curve to the right with a radius of 2052.65', a length of 138.27' to a point; thence N52°50'35"W, a distance of 286.74' to a point; thence S36°22'33"W, a distance of 20.02' to a point; thence N52°56'01"W, a distance of 142' to the point of beginning, containing 14.389 acres.

The Board of Supervisors accepted the following proffered conditions, dated August 5, 2004, which further regulates the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

**Proffers Applicable to the Property Consisting of Area I, Area II, Area III, Area IV and Area V:**

1. **Buffer Area – West Broad Street:** A landscaped and natural buffer area of a minimum of fifty (50) feet in width shall be provided and maintained on the Property along the right-of-way line of West Broad Street (as such right-of-way line shall be determined at the time of the initial Plan of Development review for the Property). Roads, sidewalks, utility easements, fencing/walls adjacent to any roads, signage and any other uses as are requested and specifically permitted at the time of Plan of Development review shall be permitted within such buffer; provided, any such road or utility easements shall be extended generally perpendicular to West Broad Street through such buffer, unless otherwise currently existing or requested and specifically permitted at the time of Plan of Development review.

This buffer shall be designed with a cohesive landscape planting plan, generally consistent with the plan attached hereto as Exhibit A entitled "STREETSCAPE EXHIBIT "A" ENGLEWOOD" (see case file) prepared by Walter L. Phillips and dated 10/24/03, which is conceptual in nature and may vary in detail as requested and specifically permitted at the time of Plan of Development approval.

This buffer shall consist of a berm at least two (2) feet in height, unless prohibited because of wetlands or floodplain area or as otherwise requested and specifically permitted at the time of Plan of Development review. This buffer shall be served by an underground irrigation system.

Prior to the occupancy of the first building on the Property (excluding any building along West Broad Street west of the western most signalized entrance for the Property at West Broad Street), the plantings in the West Broad Street buffer area shall be installed or bonded.

2. **Buffer Area – Three Chopt Road:** A landscaped and natural buffer area of a minimum of sixty (60) feet in width shall be provided and maintained on the Property along the right-of-way line of Three Chopt Road (as such right-of-way line shall be determined at the time of the initial Plan of Development review for the Property). Sidewalks, walking trails, utility easements, and any other uses as are requested and specifically permitted at the time of Plan of Development review shall be permitted within such buffer; provided, any such utility easements

shall be extended generally perpendicular to Three Chopt Road through such buffer, unless otherwise currently existing or requested and specifically permitted at the time of Plan of Development review.

This buffer shall be designed with a cohesive landscape planting plan, generally consistent with the plan attached hereto as Exhibit B, entitled "STREETSCAPE EXHIBIT "B" ENGLEWOOD" (see case file) prepared by Walter L. Phillips and dated 10/24/03, which is conceptual in nature and may vary in detail as otherwise requested and specifically permitted at the time of Landscape Plan approval.

This buffer shall consist of a berm at least four (4) feet in height, unless (a) prohibited because of wetlands or floodplain areas, or to preserve existing natural growth, or (b) as otherwise requested and specifically permitted at the time of Landscape Plan review.

*This buffer shall be served by an underground irrigation system.*

A landscape plan for this buffer shall be submitted to the County for approval within ninety (90) days of the Property being rezoned as requested. Any landscape plan for this buffer shall include walking trails leading from Three Chopt Road into the site and along the eastern end of the Property and around any water features as may then exist. The applicant shall diligently pursue approval of this landscape plan. Such plantings required of the approved landscape plan shall be installed as soon as practical pursuant to a schedule approved as part of the review and approval of the Landscape Plan for this buffer, subject to limitations caused by weather and the future widening of Three Chopt Road.

3. **Buffer Area – Eastern Boundary Line:** A natural and landscaped buffer area of a minimum of thirty-five (35) feet in width shall be provided and maintained along the eastern boundary line of the Property. Walking trails, utility easements, and any other uses as are requested and specifically permitted at the time of Plan of Development review shall be permitted within such buffer; provided, any such utility easements shall be extended generally perpendicular through such buffer, unless otherwise requested and specifically permitted at the time of Plan of Development review.
4. **Buffer Area – John Rolfe Parkway:** A natural and landscaped buffer area of a minimum for thirty-five (35) feet in width shall be provided and maintained along John Rolfe Parkway. Sidewalks, entrance ways and features, signage and utility easements and other uses as are requested and specifically permitted at the time of Plan of Development review shall be permitted within such buffer; provided, any such entrance way or utility easement shall be extended generally

perpendicular through such buffer, unless otherwise requested and specifically permitted at the time of Plan of Development review.

5. **Three Chopt Road Widening:** All right-of-way necessary to allow Three Chopt Road adjacent to the Property to be an eighty (80) foot wide right-of-way shall be dedicated by the then owner of the Property prior to the final approval of the Plan of Development for the first building on the Property, unless otherwise determined by the Director of Public Works. If such property is not used by the County for the widening of Three Chopt Road by July 15, 2020, the Property shall be returned to the then existing owner(s) of the Property.
6. **Best Management Practice:** Best Management Practice structures shall be located outside of the landscaped buffers, except as a landscaping amenity or water-related feature and if requested and specifically permitted at the time of Plan of Development review. Any above ground Best Management Practice structure shall include an aeration feature to move water within such structure.
7. **Vehicular Access Restrictions:** There shall be no access to the Property from Three Chopt Road.

*Unless otherwise requested and specifically permitted at the time of Plan of Development review, there shall be no more than three (3) vehicular access points to the Property from West Broad Street, and one (1) vehicular access point to the Property from John Rolfe Parkway.*

8. **Liesfeld Parkway:** Unless otherwise requested and specifically permitted by the Planning Commission at the time of any subdivision approval, a road connection to John Rolfe Parkway ("Liesfeld Parkway") and generally running from west to east shall be developed on the Property (a) as a minimum of thirty-six (36) feet wide, (b) with street trees in the median where permitted and along each side of Liesfeld Parkway, and (c) with a sidewalk along one side of Liesfeld Parkway.
9. **Parking Lot and Exterior Lighting:** Parking lot lighting standards within the Property shall not exceed twenty-five (25) feet in height as measured from the grade of the lighting standard, except as otherwise permitted at the time of Plan of Development review. Parking lot lighting standards shall not exceed twenty (20) feet in height within three hundred (300) feet of the boundary line of the Property along West Broad Street, Three Chopt Road, or John Rolfe Parkway.

Parking lot lighting on the Property shall be produced from concealed lighting sources to minimize the impact of such lighting on adjacent properties, unless otherwise permitted at the time of Plan of Development review. Exterior light fixtures shall be produced from concealed sources of light unless other low

intensity decorative ornamental fixtures such as gas style lamps are approved at the time of Plan of Development review. Such lighting shall be reduced to no more than a security level following the close of business operations each day. At no time shall the parking lot lighting exceed one-half (1/2) foot-candle at the right-of-way lines along Three Chopt Road, Pocahontas Middle School, John Rolfe Parkway, or West Broad Street.

The exterior lighting on the Property shall be designed with a cohesive plan so that all exterior lighting shall use compatible design elements.

10. **Loading Docks:** Loading docks shall be screened from view from the boundary line of the Property along West Broad Street, Three Chopt Road, and the John Rolfe Parkway, unless otherwise requested and specifically permitted at the time of Plan of Development approval. This proffer shall not be applicable for overhead doors serving parking structures.
11. **Architectural Treatment:** The exposed portions of the exterior wall surfaces (front, rear and sides) of any buildings constructed within the Property shall be similar in high quality of construction and shall have compatible architectural design (incorporating compatible design elements, color and architectural styles).

All buildings constructed on the Property shall have exposed exterior walls (above finished grade) constructed primarily of masonry brick, stone, precast concrete, exterior insulating finishing systems (E.I.F.S.) and/or glass and may have varying amounts of these exterior materials or an equivalent permanent architecturally finished material, unless different architectural treatment and/or materials are requested and specifically permitted at the time of Plan of Development (POD) review. Wood or composite siding, natural or cultured stone, marble, pre-cast or cast-in-place architectural concrete, exposed aggregate concrete, exterior insulating finish systems, and/or glass, or an equivalent, permanent, architecturally finished material may be utilized as accent materials on such buildings.

No building on the Property shall be covered with or have exposed to view any painted or unfinished concrete block, sheet or corrugated aluminum, iron and/or steel or other materials unless requested and specifically permitted at the time of Plan of Development review.

Roof design shall be implemented so as to minimize building mass and offer variations in building appearance.

12. **Pedestrian Circulation:** Pedestrian walkways and trails shall be dispersed throughout the Property to facilitate pedestrian circulation. Except as required at



the time of Plan of Development approval, such walkways along or on roads, parking areas and access areas used for motor vehicles on the Property shall be constructed of material different than such roads, parking areas and access areas. Such walkways may be constructed of, but not limited to, brick pavers, concrete, stamped concrete, aggregate concrete or other similar material.

13. **Pedestrian Area**: There shall be pedestrian gathering areas on the Property which shall include public amenities such as landscaped and natural areas, monuments, one or more water features, a pedestrian plaza, street furniture, benches, accessory dining areas, pedestrian lighting and pedestrian connections to sidewalks and walking areas throughout the Property.
14. **Site Coverage**: No more than seventy percent (70%) percent of the Property in the aggregate may be covered by buildings, parking areas and driveways.
15. **Dumpster and Trash Receptacles**: Dumpsters and trash receptacles on the Property, not including convenience cans, shall be screened from public view at ground level, unless otherwise requested and specifically permitted at the time of Plan of Development review. The screening material shall be compatible with the surrounding buildings.
16. **Underground Utility Lines**: All utility lines on the Property shall be underground, except for junction boxes, meters, utility lines in wetland areas and utility lines required to be above ground by the utility company.
17. **Mechanical Equipment**: Mechanical equipment on the Property shall be screened from public view at ground level, unless otherwise requested and specifically permitted at the time of Plan of Development review. The screening material shall be compatible with the building on which the mechanical equipment is located.
18. **Protective Covenants**: Prior to or concurrent with the conveyance of any part of the Property covered by a Plan of Development approved by Henrico County, Virginia (other than for the conveyance of easements, roads or utilities), the owner of the portion of the Property covered by such Plan of Development, or its successors and assigns, shall record a document in the Clerk's Office of the Circuit Court of Henrico County, Virginia, setting forth controls on the quality and type of development of such portion of the Property. The covenants shall provide for high standards of uniform maintenance (consistent with office and commercial "Class A" projects) of individual sites, common areas, open space, landscaping and private streets, and provide for minimum development and operational standards for each site within the Property.

There shall be an architectural control committee to enforce the covenants and govern the development of the Property.

19. **Stone Mulch**: Aggregate stone media shall not be used as a mulch in any landscaped buffer area on the Property nor in any parking lot landscaping areas (including islands), unless otherwise requested and specifically permitted at the time of Plan of Development review.
20. **Trash Pick Up, Parking Lot Cleaning, and Leaf Blowing**: No trash pick up, parking lot cleaning, or leaf blowing shall occur within two hundred (200) feet of the right-of-way line of Three Chopt Road before 7:00 a.m. or after 8:00 p.m. Monday through Saturday; and none shall occur on Sundays.
21. **Signs**: All external signs on the Property shall be in compliance with a plan for the coordination of signage on the Property, which plan shall be adopted and enforced by an architectural control committee for the Property. This sign plan will be submitted as part of the Plan of Development for the first building on the Property.
22. **Cash Proffers**: Prior to the release of a building permit, a cash proffer of \$2.81 per square foot of any building constructed on the Property applicable to the proposed commercial/office development shall be paid to Henrico County. The cash proffer amount is subject to the Marshall Swift Building Cost Index increase adjustments between the date of the acceptance by the County of these Proffers and the date in which the cash proffer payment is made. The total cash proffer due and payable shall be reduced by the value (as determined by the Director of Public Works) of any off-site transportation infrastructure improvements as permitted by the Policy of the County. The amount paid is to be used by the County only for transportation projects of the County as approved by the Director of Public Works for the area of the County generally outlined on the attached Exhibit C ("EXHIBIT "C") (see case file). Cash proffers not used for the purposes specified in this proffer shall be returned fifteen (15) years after receipt to the payor or its successor. If the County does not approve a Policy of a cash proffer system for commercial and/or office development within one year from the date of the acceptance by the County of these Proffers, then the requirements of this Proffer shall thereafter automatically and immediately terminate and be of no further force and affect. In such a case, any amounts previously paid to the County shall be refunded to the payor or its successor.

23. **Road Improvements:**

As used herein, Phase I shall mean any development on the Property that is equivalent in traffic impact, as determined by the County Traffic Engineer, to the Phase I development outlined in the approved Master Traffic Study.

The improvements outlined in the letter of Andrew M. Condlin to Tim Foster, County Traffic Engineer, dated July 13, 2004 (see case file) shall be made by the developer of the Property as may be required by the Director of Public Works, during Phase I.

In conjunction with the plan of development for any portion of the Property developed after the construction of Phase I of the proposed site as indicated in the approved Master Traffic Study, an interim traffic study shall be submitted which describes the traffic impact of each phase of development. Should any proposed development not warrant a traffic study in the opinion of the County Traffic Engineer, such study may be waived by the County Traffic Engineer. No plan of development will be approved until such time that the County Department of Public Works approves the traffic study and (i) the improvements in roads and intersections which are necessitated by such development and (ii) when, and if, the proposed development is to be phased, with which phase such improvements are to be completed. In the event portions of the Property will be developed in phases, any roadway improvements required for any portion of the Property shall be assigned to the applicable phase of development in the plan of development and shall be constructed in connection with the development of such phase. No certificate of occupancy shall be issued for any phase of development until the required roadway improvements assigned to such phase have been completed. Once such roadway improvements have been determined and assigned to individual phases of such portion of the Property in connection with the plan of development described above, development of such portion of the Property may proceed in phases in accordance with the approved plan of development without submittal of additional traffic studies and without additional road improvements being required. If, in connection with plans of development for subsequent phases of development on the Property, the traffic study for such phase indicates the need for reconstruction or rearrangement of existing and/or previously approved public roadway improvements, such improvements shall be made in connection with such subsequent phase of development. Road improvements will be constructed as a part of the development based on the County Department of Public Works Design Standards and the traffic studies performed for the Property.

24. **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.

**Proffers Applicable to Area I only (O-3C)**

25. **Height**: Exclusive of elevator penthouses, fire, bulkhead and parapet walls, domes, mechanical equipment and other features requested and specifically permitted at the time of Plan of Development review, no part of a building (a) within two hundred (200) feet of the ultimate right-of-way line of Three Chopt Road may exceed forty-five (45) feet in height (not including mechanical screening equipment) as measured from the average grade of the building, and (b) within four hundred (400) feet of the ultimate right-of-way line of Three Chopt Road may exceed sixty (60) feet in height (not including mechanical screening equipment) as measured from the average grade of the building.
26. **Setback**: No building in Area I shall be constructed within fifty (50) feet of the northern boundary line of Area I, seventy-five (75) feet of the eastern boundary line of Area I, or one hundred seventy (170) feet of the ultimate right-of-way line of Three Chopt Road. No parking decks shall be constructed within four (400) hundred feet of the ultimate right-of-way line of Three Chopt Road.
27. **Ring Road**: Any road to generally serve in common the buildings in Area I (specifically excluding driveways and drive aisles serving specific buildings or parking areas) shall not be constructed within two hundred (200) feet of the ultimate right-of-way line of Three Chopt Road.
28. **Exterior Building Material**: All buildings constructed in Area I shall have exposed exterior walls (above finished grade) constructed of at least seventy (70) percent brick and/or cast stone architectural concrete for any exposed exterior wall that is visible from or facing Three Chopt Road. Such brick may be of different shades of a traditional Virginia red color or as otherwise approved at the time of Plan of Development.
29. **Architectural Features**: All buildings in Area I within three hundred (300) feet of the ultimate right-of-way line of Three Chopt Road shall have an architectural style and use design elements compatible to those renderings and exterior elevations of buildings in Area V as shown on Exhibit F (see case file), as hereinafter defined, which such renderings are conceptual in nature and are provided only as an illustration of the quality of the design and architectural style of such buildings in Area V. Such buildings shall include such features as a slope roof and archways on any windows facing or visible from Three Chopt

Road. No entranceway facing Three Chopt Road shall have an entrance feature that is greater than one story in height.

30. **Lighting:** Any exterior lighting located within two hundred (200) feet of the ultimate right-of-way line of Three Chopt Road (other than pedestrian scale lighting limited to five (5) feet in height) shall be reduced to security level following the close of business each day, but in no case later than 10:00 p.m. There shall be no ground lighting used to illuminate any exterior wall that is visible from or facing Three Chopt Road (provided that security, pedestrian or accent lighting shall not be prohibited).

**Proffers Applicable to Area II only (B-2C)**

31. **West Broad Street Parcel Access:** No individual parcel within Area II shall have direct vehicular access to West Broad Street, unless otherwise requested and specifically permitted at the time of Plan of Development review.
32. **Height:** Exclusive of elevator penthouses, fire, bulkhead and parapet walls, domes, mechanical equipment and other features requested and specifically permitted by the Planning Commission at the time of Plan of Development review, the part of a building used for Retail Purposes, as defined in proffer 34, must be located on the first or second floor of such building.
33. **Conceptual Rendering:** At least two buildings in Area II, one each to be located adjacent to each of the signalized entrances for the Property at West Broad Street shall have an architectural style and use design elements substantially similar to the conceptual renderings attached as Exhibit D ("EXHIBIT D"), entitled "EXTERIOR ELEVATIONS AND FLOOR PLAN ENGLEWOOD – PROPOSED OUT PARCEL RETAIL, BROAD STREET AND INTERSTATE 64, HENRICO COUNTY, VIRGINIA," (see case file) prepared by Freeman and Morgan architects, and dated February 7, 2002 (the "Area II Renderings"), which such renderings are conceptual in nature and may be revised from time to time as requested and specifically permitted at the time of Plan of Development review and approval.

All other buildings in Area II shall have an architectural style and use design elements compatible to the Area II Renderings, which such renderings are conceptual in nature and are provided only as an illustration of the quality of the design and architectural style of such buildings in Area II.

34. **Prohibited Uses:** The following uses shall not be permitted in Area II:
  - (a) Flea markets

- (b) Laundromats
- (c) Gun shop, sales and repairs, except that such gun sales and repairs shall be permitted in a store that sells a variety of sporting goods
- (d) Establishments whose primary business is check cashing and/or the making of payday loans as defined and regulated by Sections 6.1-432 et seq. and 6.1-444 et seq. of the Code of Virginia (1950), in effect as of the date of the approvals of these proffers (the foregoing shall not preclude banks, savings and loans or similar financial institutions that are not regulated by the foregoing Virginia Code sections)
- (e) Lodge and fraternal organization
- (f) Sign printing and painting shop
- (g) Skating rinks (unless such ice skating areas are an amenity of the pedestrian-oriented shopping center), roller skating rinks, model racing tracks, electronic video game rooms, bingo halls and billiard parlors unless such billiard parlors are associated with a restaurant
- (h) Restaurants with drive-thru windows or drive-in facilities, unless otherwise requested and specifically permitted by the Planning Commission at the time of Plan of Development review.

35. **Use Limitations:** No building or individual building space in Area II which contains a single user shall exceed twenty thousand (20,000) square feet when such building or individual building space contains ten (10) percent or more space used for Retail Purposes as is defined herein.

For the purposes of this proffer 34 and proffers 31 and 39, the term "Retail Purposes" shall mean any use other than (a) any use otherwise permitted in any office or residential district (whether by right, provisional use permit or conditional use permit permitted by special exception, or as an accessory use); (b) a fitness, health club, medical, or rehabilitation facility; (c) an individual stand alone building that is used only for a restaurant use. This definition is not intended to grant any rights to use the Property for any use not otherwise permitted in the B-2 zoning district, and any permitted use shall be in accordance with the B-2 district regulations.

36. **Exterior Building Material:** All buildings constructed in Area II shall have exposed exterior walls (above finished grade) constructed of at least thirty-five (35) percent brick.

**Proffers Applicable to Area III only (B-2C)**

37. **Buffer Area – Southern Boundary Line:** A natural and landscaped buffer area of a minimum of fifty (50) feet in width shall be provided and maintained along the southern boundary line of Area III as it abuts the northern boundary line of the Pocahontas Middle School property as such boundary line exists at the time of the approval of such buffer. This buffer may be reduced to no less than thirty-five (35) feet in order to accommodate the location of Liesfeld Parkway at its intersection with John Rolfe Parkway and where such a reduced buffer is deemed adequate by the Planning Commission at the time of Plan of Development review to buffer the Pocahontas Middle School. Walking trails, utility easements, fencing, a guard rail and any other uses as are requested and specifically permitted at the time of Plan of Development review shall be permitted within such buffer; provided, any such utility easements shall be extended generally perpendicular through such buffer, unless otherwise requested and specifically permitted at the time of Plan of Development review.

This buffer shall include a fence with a minimum height of five (5) feet to be provided generally along the southern boundary line of Area III adjacent to the Pocahontas Middle School as approved by the Henrico County School Board. Any such fence may be located on the property of the Pocahontas Middle School as approved by the Henrico County Public Schools.

A guard rail may be provided along the southern boundary line of Liesfeld Parkway as it runs along the boundary line of the Pocahontas Middle School in a location and to the extent as deemed appropriate by the Planning Commission after taking into consideration such factors as landscaping, buffering, fencing, topography and other factors as the Planning Commission may deem appropriate.

38. **Height:** Exclusive of elevator penthouses, fire, bulkhead and parapet walls, domes, mechanical equipment and other features requested and specifically permitted by the Planning Commission at the time of Plan of Development review no building constructed within Area III shall exceed five (5) stories in height, provided that any building with a height greater than (3) stories or forty-five (45) feet in height shall be subject to approval of a special exception request.
39. **Prohibited Uses:** Any use prohibited in Area II shall also be prohibited in Area III, provided that any facility selling gasoline shall not be permitted in Area III.

40. **Use Limitations:** No building or individual building space in Area III which contains a single user shall exceed fifty thousand (50,000) square feet when such building or individual building space contains ten (10) percent or more space used for Retail Purposes as is defined in proffer 34.
41. **Exterior Building Material:** All buildings constructed in Area III shall have exposed exterior walls (above finished grade) constructed of at least thirty-five (35) percent brick.
42. **Conceptual Renderings:** All buildings in Area III shall have an architectural style and use design elements compatible to the conceptual renderings that are attached as Exhibit E ("EXHIBIT E"), entitled "ENGLEWOOD RETAIL, Henrico County, Virginia," (see case file) prepared by Freeman and Morgan architects, which such renderings are conceptual in nature and are provided only as an illustration of the quality of the design and architectural style of such buildings in Area III.
43. **Building Setback:** No building shall be constructed in Area III within one hundred (100) feet of the southern boundary line of Area III as it abuts the northern boundary line of the Pocahontas Middle School property as such boundary line exists at the time of the approval of such buffer.

**Proffers Applicable to Area IV only (O-2C)**

44. **Buffer Area – Southern Boundary Line:** A natural and landscaped buffer area of a minimum of fifty (50) feet in width shall be provided and maintained along the southern boundary line of Area IV as such boundary line exists along the northern boundary line of the Pocahontas Middle School property. This buffer may be reduced to no less than thirty-five (35) feet in order to accommodate the location of Liesfeld Parkway at its intersection with John Rolfe Parkway and where such a reduced buffer is deemed adequate by the Planning Commission at the time of Plan of Development review to buffer the Pocahontas Middle School. Walking trails, utility easements, fencing, a guard rail and any other uses as are requested and specifically permitted at the time of Plan of Development review shall be permitted within such buffer; provided, any such utility easements shall be extended generally perpendicular through such buffer, unless otherwise requested and specifically permitted at the time of Plan of Development review.

This buffer shall include a fence with a minimum height of five (5) feet to be provided generally along the southern boundary line of Area IV adjacent to the Pocahontas Middle School as approved by the Henrico County School Board.



Any such fence may be located on the property of the Pocahontas Middle School as approved by the Henrico County Public Schools.

A guard rail may be provided along the southern boundary line of Liesfeld Parkway as it runs along the boundary line of the Pocahontas Middle School in a location and to the extent as deemed appropriate by the Planning Commission after taking into consideration such factors as landscaping, buffering, fencing, topography and other factors as the Planning Commission may deem appropriate.

45. **Height:** Exclusive of elevator penthouses, fire, bulkhead and parapet walls, domes, mechanical equipment and other feature requested and specifically permitted by the Planning Commission at the time of Plan of Development review, no part of a building within one hundred-fifty (150) feet of the ultimate right-of-way line of John Rolfe Parkway may exceed sixty (60) feet in height (not including mechanical screening equipment) as measured from the average grade of the building.
46. **Setback:** No building shall be constructed in Area IV within one hundred (100) feet of the ultimate right-of-way line of John Rolfe Parkway. No building shall be constructed in Area IV within one hundred (100) feet of the southern boundary line of Area IV as such boundary line exists along the northern boundary line of the Pocahontas Middle School property.

#### **Proffers Applicable to Area V only (O-2C)**

47. **Buffer Area – Western Boundary Line:** A natural and landscaped buffer area of a minimum of fifty (50) feet in width shall be provided and maintained along the western boundary line of Area V as it abuts the eastern boundary line of the Pocahontas Middle School property as such boundary line exists at the time of the approval of such buffer. Walking trails, utility easements, fencing, a guard rail and any other uses as are requested and specifically permitted at the time of Plan of Development review shall be permitted within such buffer; provided, any such utility easements shall be extended generally perpendicular through such buffer, unless otherwise requested and specifically permitted at the time of Plan of Development review.

A fence with a minimum height of five (5) feet shall be provided generally along the western boundary line of Area V adjacent to the Pocahontas Middle School. Any such fence may be located on the property of the Pocahontas Middle School.

48. **Height:** Exclusive of elevator penthouses, fire, bulkhead and parapet walls, domes, mechanical equipment and other features requested and specifically permitted by the Planning Commission at the time of Plan of Development review, no part of a building (a) within two hundred (200) feet of the ultimate right-of-way line of Three Chopt Road or within one hundred (100) feet of the western boundary line of Area V may exceed forty-five (45) feet in height (not including mechanical screening equipment) as measured from the average grade of the building, and (b) within four hundred (400) feet of the ultimate right-of-way line of Three Chopt Road may exceed sixty (60) feet in height (not including mechanical screening equipment) as measured from the average grade of the building.
49. **Setback:** No building shall be constructed in Area V within one hundred seventy (170) feet of the ultimate right-of-way line of Three Chopt Road, or one hundred (100) feet of the western boundary line of Area V. No parking decks shall be constructed within four (400) hundred feet of the ultimate right-of-way line of Three Chopt Road.
50. **Exterior Building Material:** All buildings constructed in Area V shall have exposed exterior walls (above finished grade) constructed of at least seventy (70) percent brick for any exposed exterior wall that is visible from or facing Three Chopt Road. Such brick may be of different shades of a traditional Virginia red color or as otherwise approved at the time of Plan of Development.
51. **Conceptual Rendering and Architectural Features:** All buildings in Area V shall have an architectural style and use design elements substantially similar to the conceptual renderings that are attached as Exhibit F ("EXHIBIT F"), entitled "EXTERIOR ELEVATION, ENGLEWOOD OFFICE BUILDING, THREE CHOPT ROAD, HENRICO COUNTY, VIRGINIA," (see case file) prepared by Freeman and Morgan architects and dated 10/30/03, which such renderings are conceptual in nature and may be revised from time to time as requested and specifically permitted at the time of Plan of Development review and approval. No entranceway facing Three Chopt Road shall have an entrance feature that is greater than one story in height.
52. **Lighting:** Any exterior lighting located within two hundred (200) feet of the ultimate right-of-way line of Three Chopt Road (other than pedestrian scale lighting) shall be reduced to security lighting following the close of business each day, but in no case later than 10:00 p.m. There shall be no ground lighting used to illuminate any exterior wall that is visible from or facing Three Chopt Road (provided that security, pedestrian or accent lighting shall not be prohibited).

John J. and Ima M. Liesfeld Family LLC  
a Virginia Limited Liability Company  
September 8, 2004  
Page 18

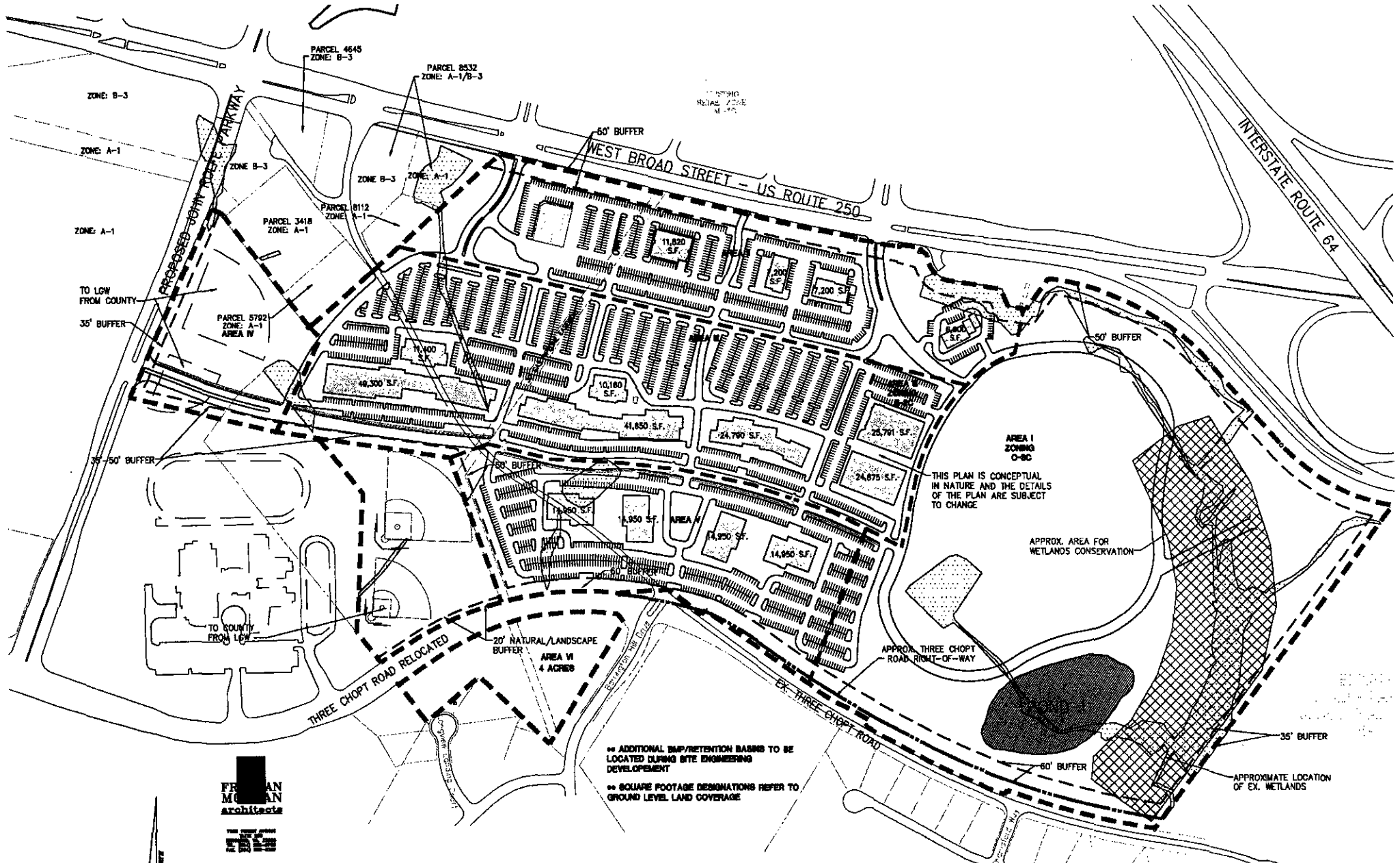
The Planning Office has been advised of the action of the Board of Supervisors and will revise its records and place a copy of the accepted proffered conditions in the Conditional Zoning Index.

Sincerely,



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

pc: Virginia Commonwealth University School of Engineering Foundation  
The County School Board of Henrico County, Virginia  
Mr. Ralph L. Axselle, Jr., Esquire  
Director, Real Estate Assessment  
Conditional Zoning Index  
Ms. Penny Blumenthal – Director, Research and Planning



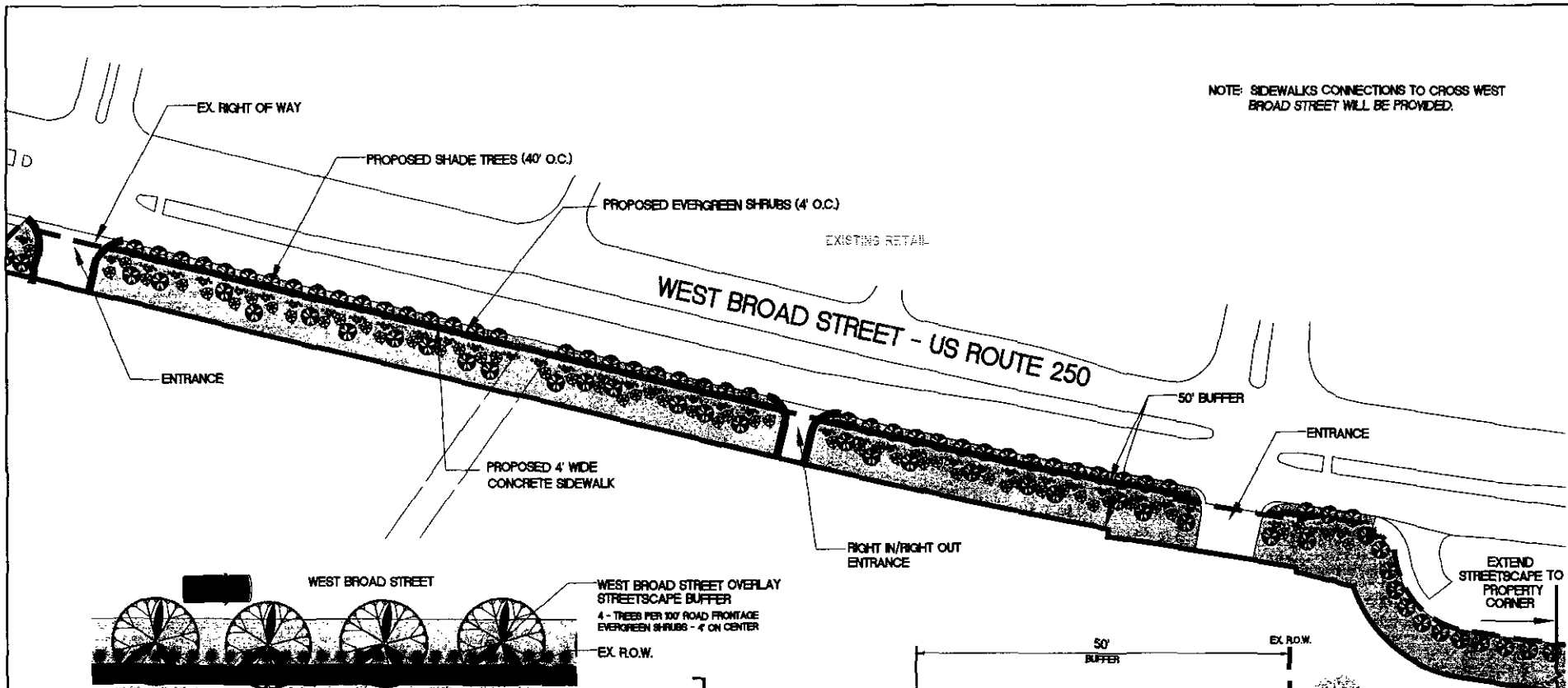
**FRANK MORGAN architects**  
 ARCHITECTS  
 10000 WOODBURN ROAD  
 SUITE 100  
 FARMERSVILLE, VA 23031  
 (804) 709-1100  
 www.frankmorgan.com

# ENGLEWOOD CONCEPTUAL SITE PLAN

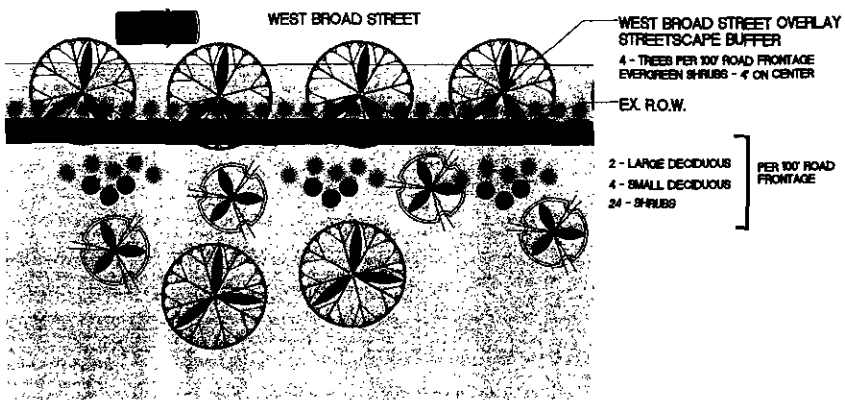
Henrico County, Virginia  
 Scale: 1=100

Date: 11-13-03

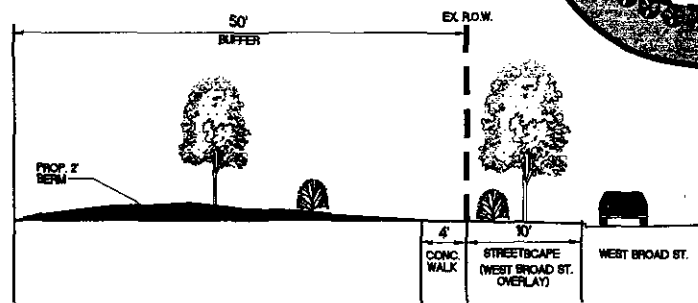
**C-70C-03**



NOTE: SIDEWALKS CONNECTIONS TO CROSS WEST BROAD STREET WILL BE PROVIDED.



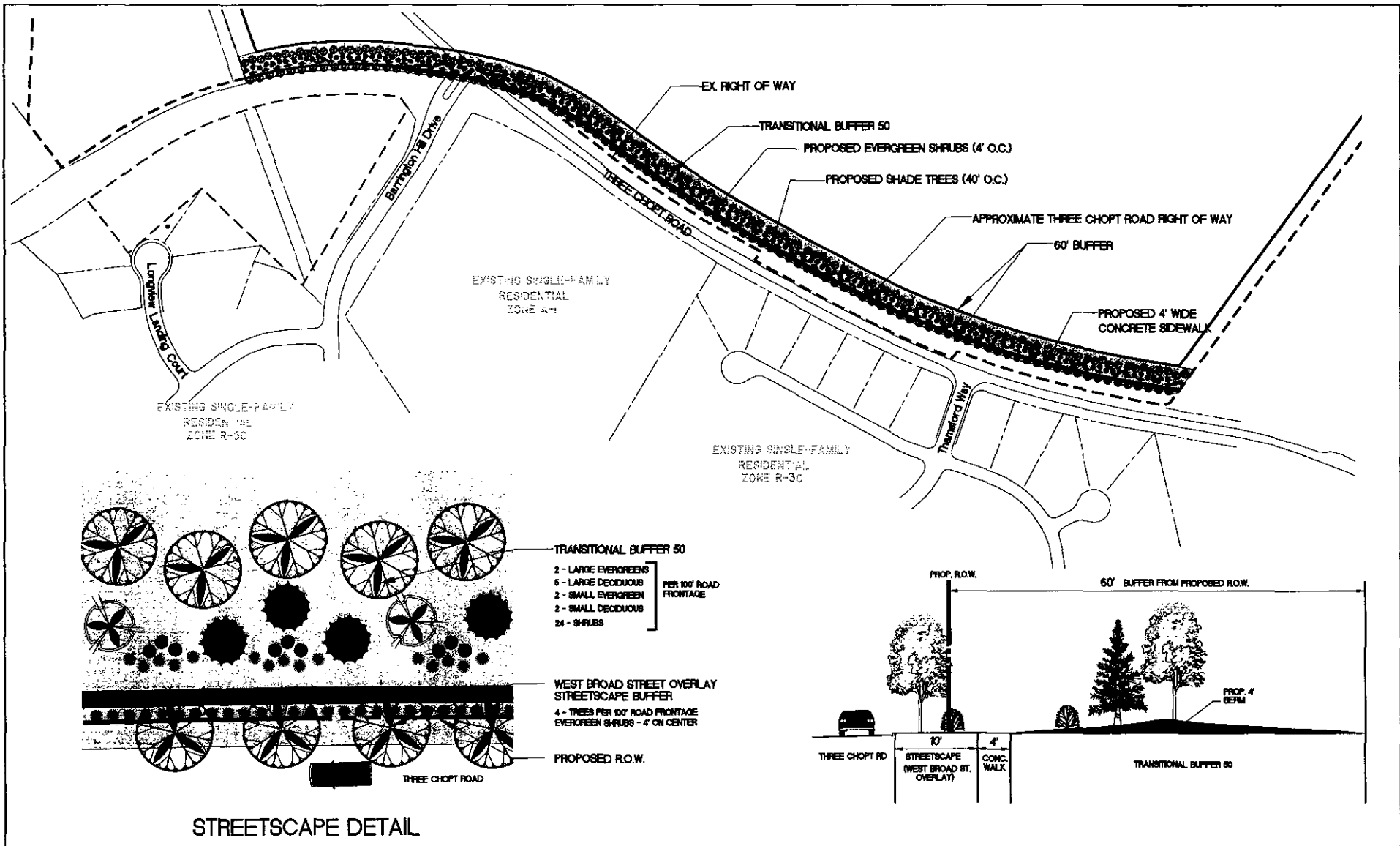
STREETSCAPE DETAIL



**C-70C-03**

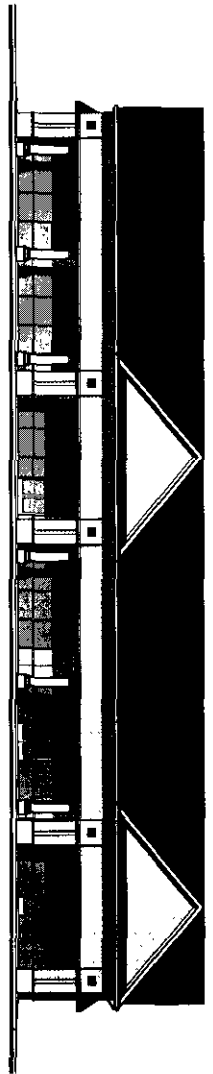
**WALTER L. PHILLIPS**  
 INCORPORATED  
 CIVIL ENGINEERS LAND SURVEYORS PLANNERS LANDSCAPE ARCHITECTS  
 307 PARK AVENUE FALLS CHURCH, VIRGINIA 22048  
 (703) 532-9953 FAX (703) 533-1001

**STREETSCAPE EXHIBIT "A"**  
**ENGLEWOOD**  
 HENRICO COUNTY, VIRGINIA  
 DATE: 10/24/98 SCALE: NONE




**WALTER L. PHILLIPS**  
 INCORPORATED  
 CIVIL ENGINEERS LAND SURVEYORS PLANNERS LANDSCAPE ARCHITECTS  
 207 PARK AVENUE FALLS CHURCH, VIRGINIA 22046  
 (703) 632-4163 FAX (703) 632-1001

**STREETSCAPE EXHIBIT "B"**  
**ENGLEWOOD**  
 HENRICO COUNTY, VA  
 DATE 10/4/2005 RGA  
**C-70C-03**



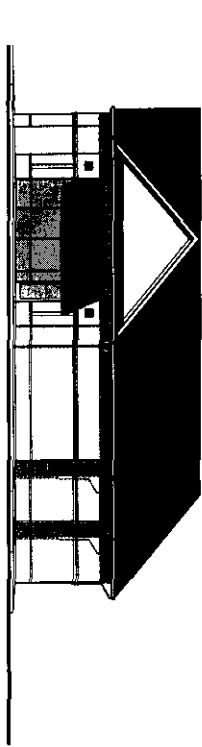
FRONT ELEVATION

SCALE: 1/8" = 1'-0"



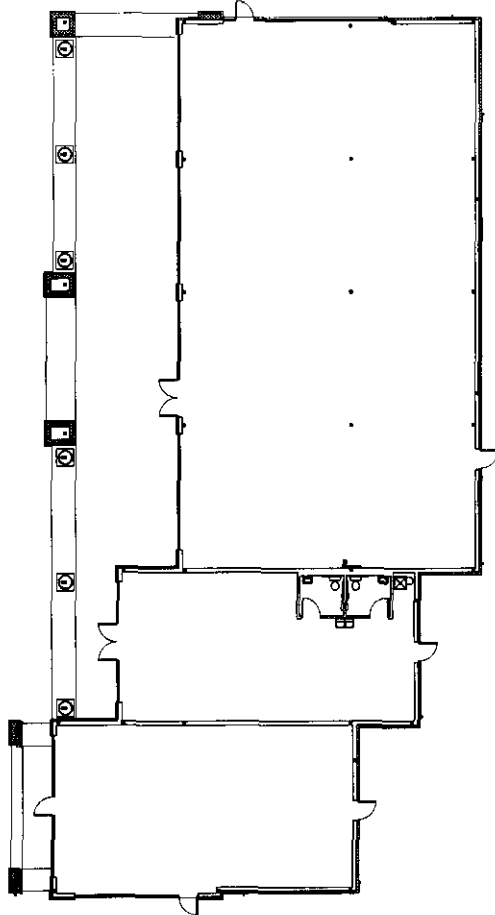
LEFT ELEVATION

SCALE: 1/8" = 1'-0"



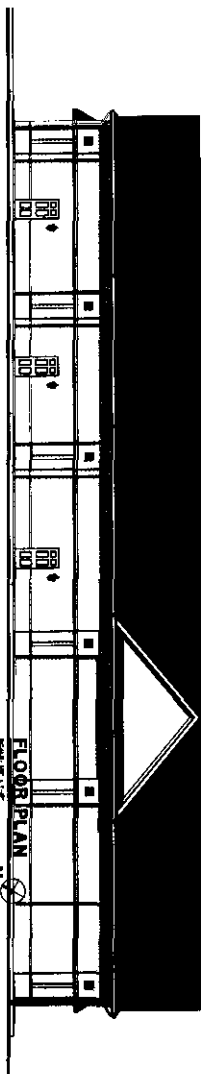
RIGHT ELEVATION

SCALE: 1/8" = 1'-0"



FLOOR PLAN

SCALE: 1/8" = 1'-0"



REAR ELEVATION

SCALE: 1/8" = 1'-0"

FLOOR PLAN

N

C-70C-03

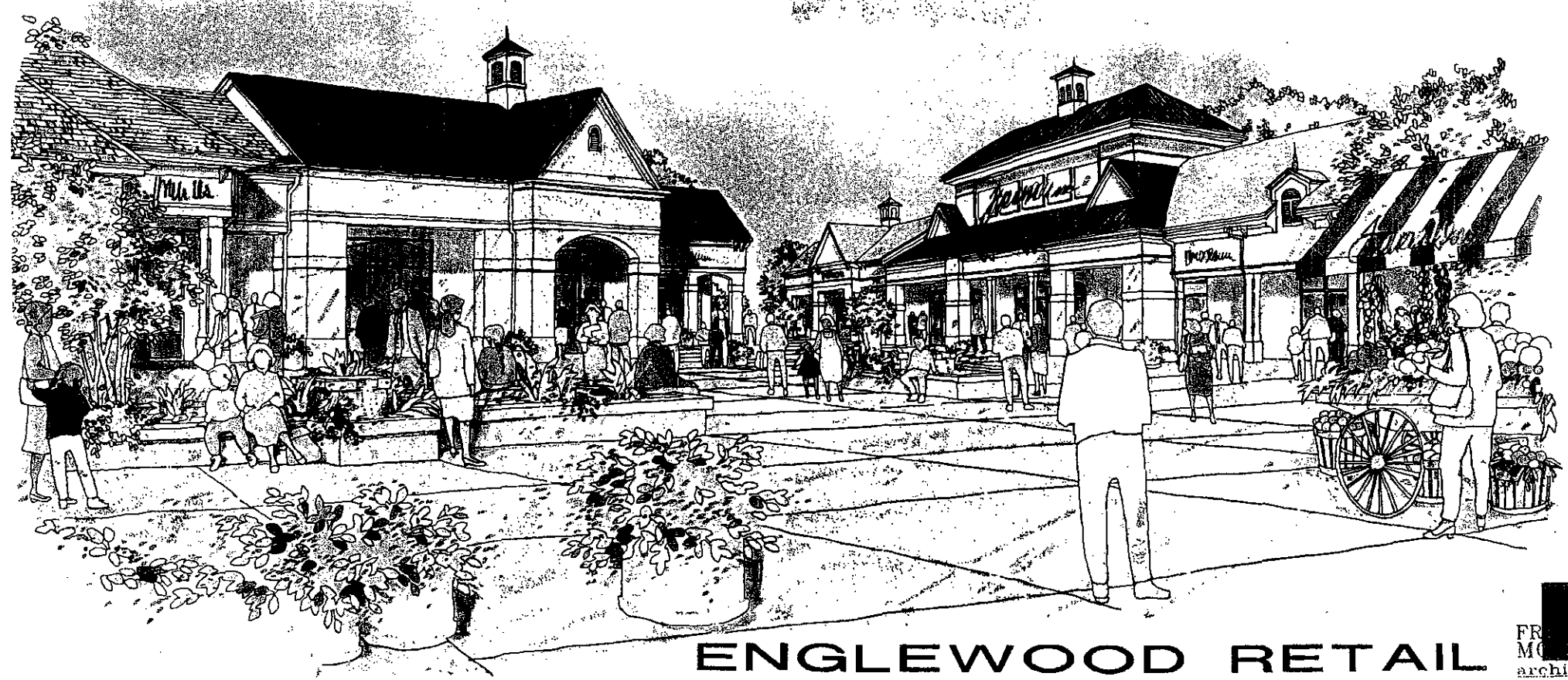
EXTERIOR ELEVATIONS AND FLOOR PLAN

ENGLEWOOD - PROPOSED OUT PARCEL RETAIL  
BROAD STREET AND INTERSTATE 64  
HENRICO COUNTY, VIRGINIA

PREMIER  
ARCHITECTURAL  
INCORPORATED  
10011 WOODBURN  
AVENUE  
SUITE 100  
DALLAS, TEXAS 75243  
TEL: 972-412-1111  
WWW.PREMIERARCHITECT.COM



DATE: 11/11/10  
DRAWN BY: J. B. BROWN  
CHECKED BY: J. B. BROWN  
SCALE: 1/8" = 1'-0"  
SHEET 1



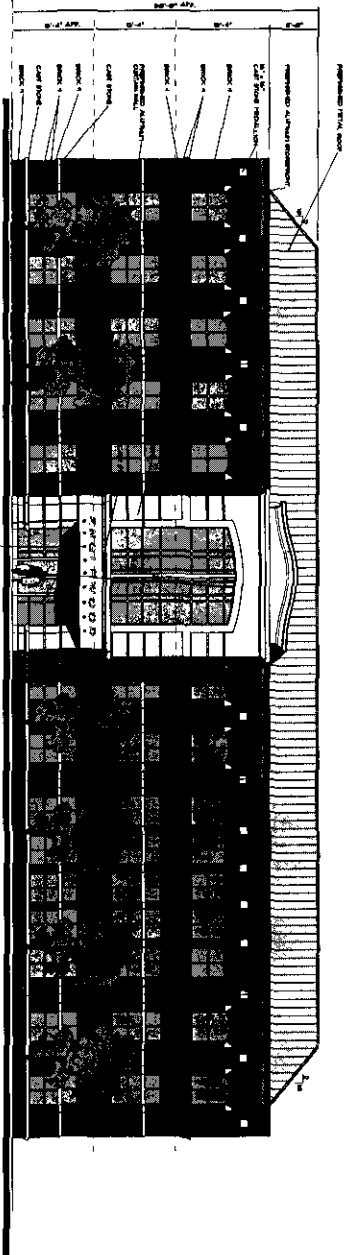
# ENGLEWOOD RETAIL

Henrico County, Virginia

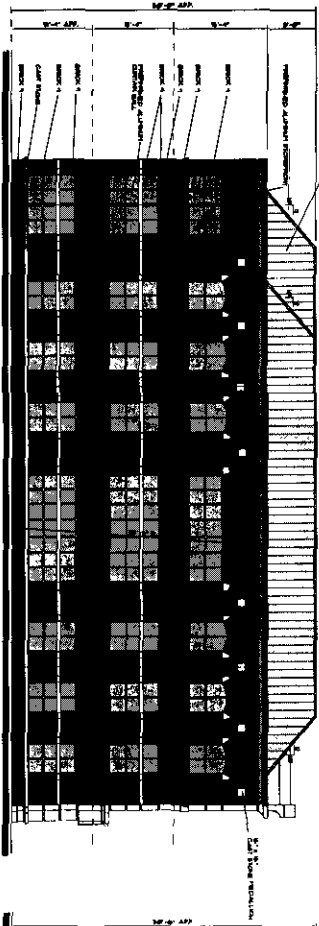
FRANK AN  
MCMAN  
architects

C-70C-03

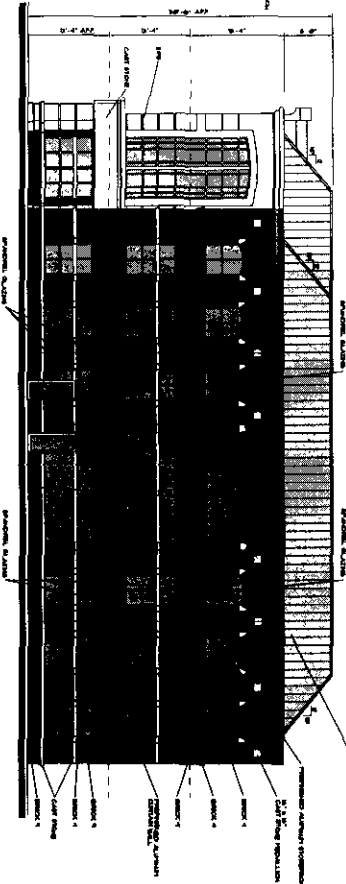




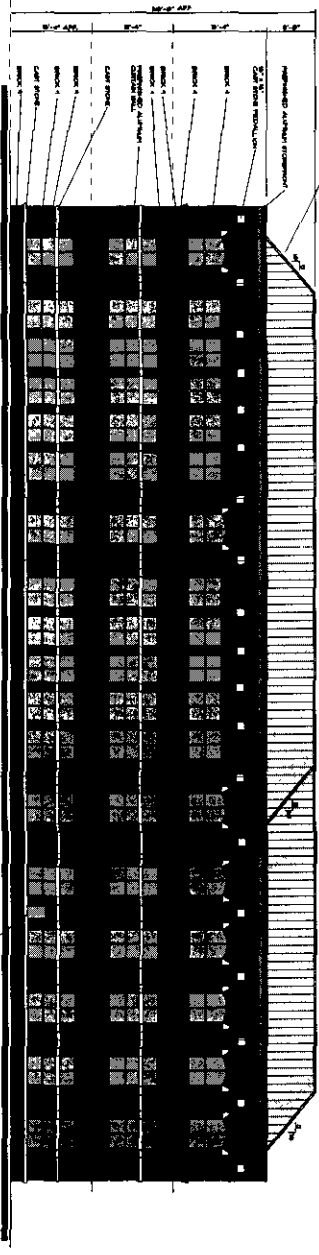
**FRONT ELEVATION**  
SCALE 1/8" = 1'-0"



**SIDE ELEVATION**  
SCALE 1/8" = 1'-0"



**SIDE ELEVATION**  
SCALE 1/8" = 1'-0"



**REAR ELEVATION**  
SCALE 1/8" = 1'-0"

ORIGINATED: 08/01/2014  
 SHEET: 1 OF 10  
 DATE: 08/01/2014  
 DRAWN BY: J. B. BROWN  
 CHECKED BY: J. B. BROWN  
 APPROVED BY: J. B. BROWN

**C-700C-03**

**EXTERIOR ELEVATIONS**

**ENGLEWOOD OFFICE BUILDING**  
 ENGLEWOOD DEVELOPEMENT  
 HENRICO COUNTY, VIRGINIA



**FREDMAN MORGAN**  
 architects  
 THE FIRM OF ARCHITECTS  
 1000 N. GLENN ST.  
 SUITE 100  
 RICHMOND, VA 23220

**A3.1**