

O-3C to UMUC  
36.125 Acres

**ZONING**

URBAN MIXED USE  
Ref. 750-766-3162

**C-27C-04**

Three Chopt District



April 2004

0 400 Feet





COMMONWEALTH OF VIRGINIA  
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.  
County Manager

March 1, 2005

Highwoods Realty LP  
c/o Mr. Paul W. Kreckman  
4501 Highwoods Parkway  
Suite 400  
Glen Allen, VA 23060

Re: Conditional Rezoning Case C-27C-04

Dear Mr. Kreckman:

The Board of Supervisors at its meeting on February 22, 2005, granted your request to conditionally rezone property from O-3C Office District (Conditional) to UMUC Urban Mixed Use Development (Conditional), Parcels 750-766-3162, 750-765-4697, 749-765-7952 and 750-765-0494, described as follows:

Beginning at a point on the west line of Cox Road, said point being 1,042.36' from the intersection of the west line of Cox Road and the south line of Sadler Road extended; thence leaving the said west line of Cox Road N73°00'00"W, 299.64'; thence S63°26'24"W, 554.56'; thence N60°32'20"W, 577.52'; thence N29°27'40"E, 353.12'; thence N24°22'55"E, 520.06'; thence S65°28'54"E, 22.98'; thence N24°27'50"E, 792.16'; thence S65°32'10"E, 108.90'; thence N34°29'43"E, 99.82', to the south line of Sadler Road; thence continuing along said south line of Sadler Road S53°26'25"E, 386.83'; thence along a curve to the right having a radius of 680.05', a length of 171.01', and a chord of S32°18'23"E, 170.56'; thence along a curve to the left having a radius of 733.27', a length of 361.09', and a chord of S39°12'34"E, 357.45'; thence S53°19'00"E, 45'; thence along a curve to the right having a radius of 25', a length of 39.27', and a chord of S08°19'00"E, 35.36' to the west line of Cox Road; thence along the said west line of Cox Road S36°41'00"W, 164.83'; thence along a curve to the left having a radius of 986.16', a length of 35.01', and a chord of S35°40'37"W, 35'; thence along a curve to the left having a radius of 1007.14', a length of 817.52', and a chord of S11°26'15"W, 795.26' to the point of beginning, containing 36.13 acres; more or less.

The Board of Supervisors accepted the following proffered conditions, dated February 21, 2005, which further regulates the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Exterior Materials.** The buildings shall have exposed exterior front, rear and side walls (above finished grade) primarily of brick, glass, split face block, architectural precast concrete, E.I.F.S., cementitious or composite-type siding, stone, marble or granite, or a combination of the foregoing, 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. No building shall be covered with or have exposed to view any painted or unfinished concrete block.
2. **Architecture.** The buildings shall be in substantial conformance with the architectural styles displayed in Exhibits E-1, E-2, E-3 and E-4 attached hereto (see case file), unless otherwise requested and specifically approved at the time of Plan of Development; however, the parking decks shall be faced with architectural precast materials similar in color, finish, scale and detail to the office buildings, unless otherwise requested and specifically approved at the time of Plan of Development.
3. **Refuse Container Enclosures.** Enclosures for refuse containers shall be constructed of finished masonry materials with the exception of gates and doors. Gates and doors shall be opaque, substantial, and oriented to minimize views of the enclosures from public rights-of-way. Concrete pavement shall be used for the refuse container pad and apron.
4. **Mechanical Equipment.** Mechanical equipment shall be screened from public view at ground level from the perimeter of the Property in a manner approved at the time of Plan of Development.
5. **Hours of Trash Pickup; Parking Lot Cleaning.** Trash pick up from the Property and parking lot cleaning shall be limited to the hours between 7:00 a.m. and 8:00 p.m. Monday through Friday and between 8:00 a.m. and 8:00 p.m. on Saturday. No trash pick up or parking lot cleaning shall occur on Sundays.
6. **Irrigation of Buffers.** Landscaped buffers shall be served by an underground irrigation system.
7. **Density; Units for Sale.** There shall be no more than three hundred forty-four (344) residential units developed on the Property. All dwelling units built on the Property shall be constructed and initially marketed as "for sale" units only.

8. **Square Footage of Residential Units.**

- a. **Townhomes.** Two (2) bedroom townhomes shall be a minimum of one thousand four hundred fifty (1,450) square feet of finished floor area in size, and three (3) bedroom townhomes shall be a minimum of one thousand eight hundred (1,800) square feet of finished floor area in size.
- b. **Condominiums.** One (1) bedroom condominiums shall be a minimum of eight hundred fifty (850) square feet of finished floor area in size, two (2) bedroom condominiums shall be a minimum of one thousand two hundred (1,200) square feet of finished floor area in size, and three (3) bedroom condominiums shall be a minimum of one thousand seven hundred (1,700) square feet of finished floor area in size.

9. **Parked or Stored Vehicles in Residential Areas.** No recreational vehicles, campers, trailers or boats shall be permitted to be parked or stored other than in enclosed garages.

10. **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.

11. **Landscaping in Buffer.** The required buffer west of Highwoods Parkway adjacent to the western property line shall be supplemented where necessary to achieve at least the standard required by a Transitional Buffer 50 so as to mitigate the visual impacts of development on the Property from adjacent residential neighborhoods. The developer shall file a landscape plan for such buffer with the County no later than March 11, after consultation with the County and representatives of the neighborhoods adjacent to the west. Such plantings shall be installed no later than May 31, 2005, if approval is granted by the Planning Commission on or before April 27, or as soon thereafter as appropriate if approval is delayed for an reason. After landscape plan approval for such western buffer, no tree therein having a trunk diameter of four (4) inches or more at a point two (2) feet above ground level shall be removed without the written consent of the Director of Planning, unless such tree is dead or diseased or constitutes a safety hazard. If so removed, supplemental plantings approved by the Director of Planning shall be provided. Landscaping around the other perimeters of the Property shall be addressed as Plans of Development for areas adjacent thereto are processed.

12. **Sound Suppression Measures**. Sound suppression measures shall be provided in the common wall between attached units with at least a 54 sound coefficient rating. A cross-sectional detail, reviewed and approved by a certified architect or engineer as to the methodology accomplishing the sound coefficient rating, shall be included in the building permit application.
  
13. **Transportation Improvements**. To mitigate the impact of development on the Property and subject to the provisions below, the developer shall construct certain road improvements consisting of the following:
  - a. one additional lane along the southern right-of-way line of Nuckols Road eastbound from Sadler Road to Cox Road;
  - b. one additional lane along the northern right-of-way line of Nuckols Road from Lake Brook Drive westbound merging with the northbound entrance ramp to northbound I-295;
  - c. widening of Sadler Road between Sadler Place and Nuckols Road;
  - d. widening at the intersection of Sadler Place with Sadler Road including a right turn lane on Sadler Place into the westernmost access to the Property; and
  - e. widening on Lake Brook Drive to accommodate a westbound right turn lane.

All such improvements shall (i) be made within the existing right-of-way, unless additional right-of-way is provided by the County prior to construction and without cost to Owner, (ii) commence with the construction of the first new building on the Property, and (iii) be completed within fourteen (14) months (subject to force majeure) after receipt of all necessary permits and approvals. The developer shall not be obligated to spend in excess of five hundred thousand dollars (\$500,000.00) (inclusive of all customary hard and soft costs) to provide the foregoing improvements.

14. **Prohibited Uses**. The following uses shall not be permitted on the Property:
  - a. boat and boat trailer sales/service;
  - b. 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 (the foregoing shall not

preclude banks, savings and loans or similar financial institutions that are not regulated by the foregoing Virginia Code sections);

- c. freestanding buildings primarily for retail sales/service not to include outdoor dining ancillary to a restaurant;
- d. bowling alleys;
- e. bingo halls as a primary use;
- f. businesses whose primary use is year round roller and ice skating rinks (not to preclude temporary seasonal uses);
- g. adult businesses as defined in the Zoning Ordinance;
- h. gun shop, sales and repair;
- i. filling stations and car wash facilities;
- j. animal hospitals or veterinary clinics;
- k. pet shops;
- l. commercial movie theaters (such as Regal Cinemas);
- m. model racing tracks;
- n. hotels or motels;
- o. electronic videogame rooms and/or billiard parlors as a primary use; and
- p. stores owned or leased by the Alcohol Beverage Control Board.

There shall be no restaurants located in Buildings F, G, H, I, J, K and L. Restaurants located in Buildings A, B, C, D, and E shall be open to the public only between the hours of 7:00 a.m. and 11:00 p.m., excluding food service for tenants in Buildings A, B, C, D and E. Retail uses in Buildings F and G may only be located on the ground floor of Buildings F and G where such buildings are parallel to the boulevard and extending to the rear outside building wall. Such permitted retail uses in Buildings F and G shall only be open to the public between the hours of 7:00 a.m. and 10:00 p.m., excluding use of the private clubhouse facility.

15. **Sidewalks**. Subject to obtaining all required governmental approvals and permits, paved pedestrian accessways shall be installed along the right-of-way line of Sadler Place and Cox Road where adjacent to the Property. Such accessways may meander along such roadways.
16. **Construction Activity**. The hours of exterior construction, including operation of bulldozers and other earthmoving equipment, shall be between 7:00 a.m. and 7:00 p.m., Monday through Friday, 8:00 a.m. and 4:00 p.m. on Saturday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours or utility connections. No construction shall occur on Sunday. Primary construction access to the Property shall be from the easternmost access drive off Sadler Place. All clearing, grading and construction contracts will contain these provisions. Signs, in both English and Spanish, stating the above-referenced provisions, shall be posted and maintained at all entrances on Sadler Place prior to any land disturbance activities on the Property.
17. **Outdoor Music**. Outdoor music shall not be permitted on the Property after 9:00 p.m.
18. **Covenants and Restrictions**. Prior to or concurrent with the recordation of the first subdivision plat or Plan of Development approved by the County for residential units, a document shall be recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia, setting forth additional controls on the development and maintenance of such residential portion of the Property. The document shall include detailed provisions limiting the nature of leases for residential units on the Property and providing remedies for violations of the limitations. A copy of the document shall be filed with the Henrico County Attorney.
19. **Height of Parking Decks**.
  - a. Deck I: The western-most sixty (60) feet of Deck I shall not exceed an exterior height equivalent to ground-level plus three (3) additional levels. The eastern-most residual portion of Deck I shall not exceed an exterior height equivalent to ground-level plus four (4) additional levels. The western-most corner of Deck I shall be a minimum of one hundred forty (140) feet from western property line.

- b. Deck II: Notwithstanding anything set forth herein or in the exhibits to the contrary, Deck II may be increased to a maximum exterior height equivalent to ground level plus five (5) additional levels.
20. **Lighting.** Lighting as approved at the time of Lighting Plan approval shall be designed to minimize the impact on the residential neighborhood adjacent to the west.
21. **Signage.** Any signage to the rear of the proposed retail space in Building F shall be externally lit and shall specifically not be flashing, neon nor of attention getting design.

The Planning Department 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.

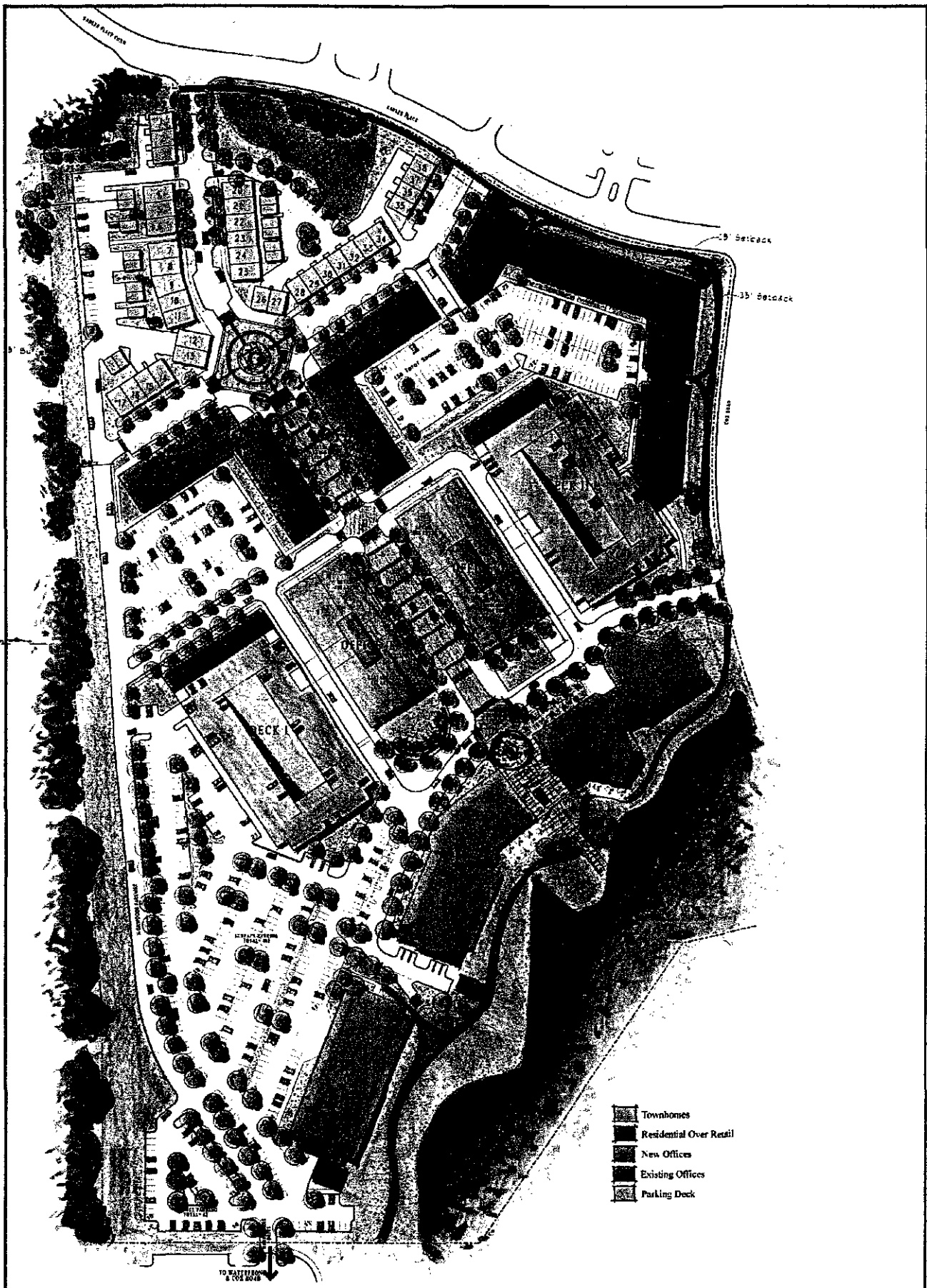
Sincerely,



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

pc: 4600 Cox Road II, LLC  
4501 Highwoods Parkway, LLC  
4521 Highwoods Parkway, LLC  
Mr. James W. Theobald, Esquire  
Director, Real Estate Assessment  
Conditional Zoning Index  
Dr. Penny Blumenthal – Director, Research and Planning





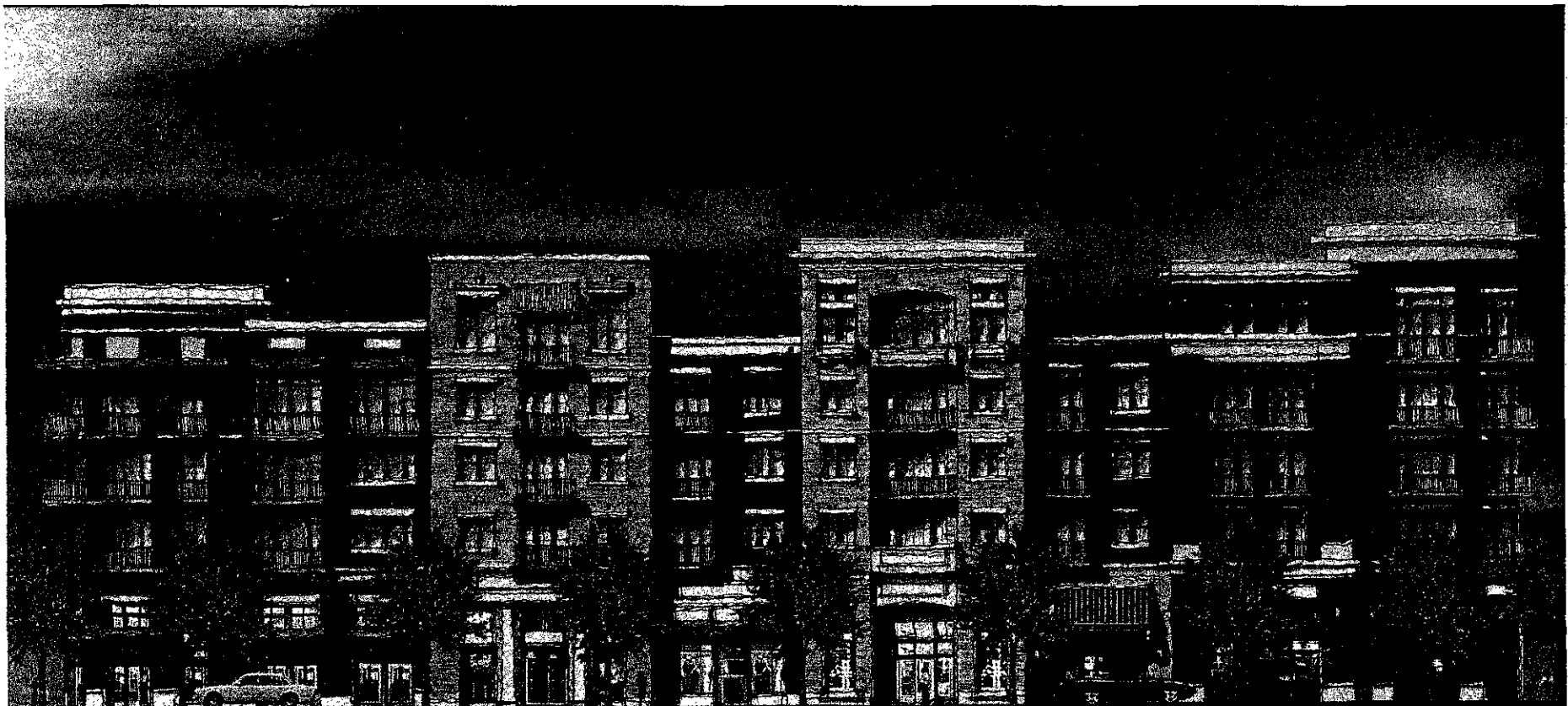
Master Plan 203131.01  
February 02, 2005

# Innsbrook Corporate Center

## Phase One & Two

Scale: 1" = 60'-0"





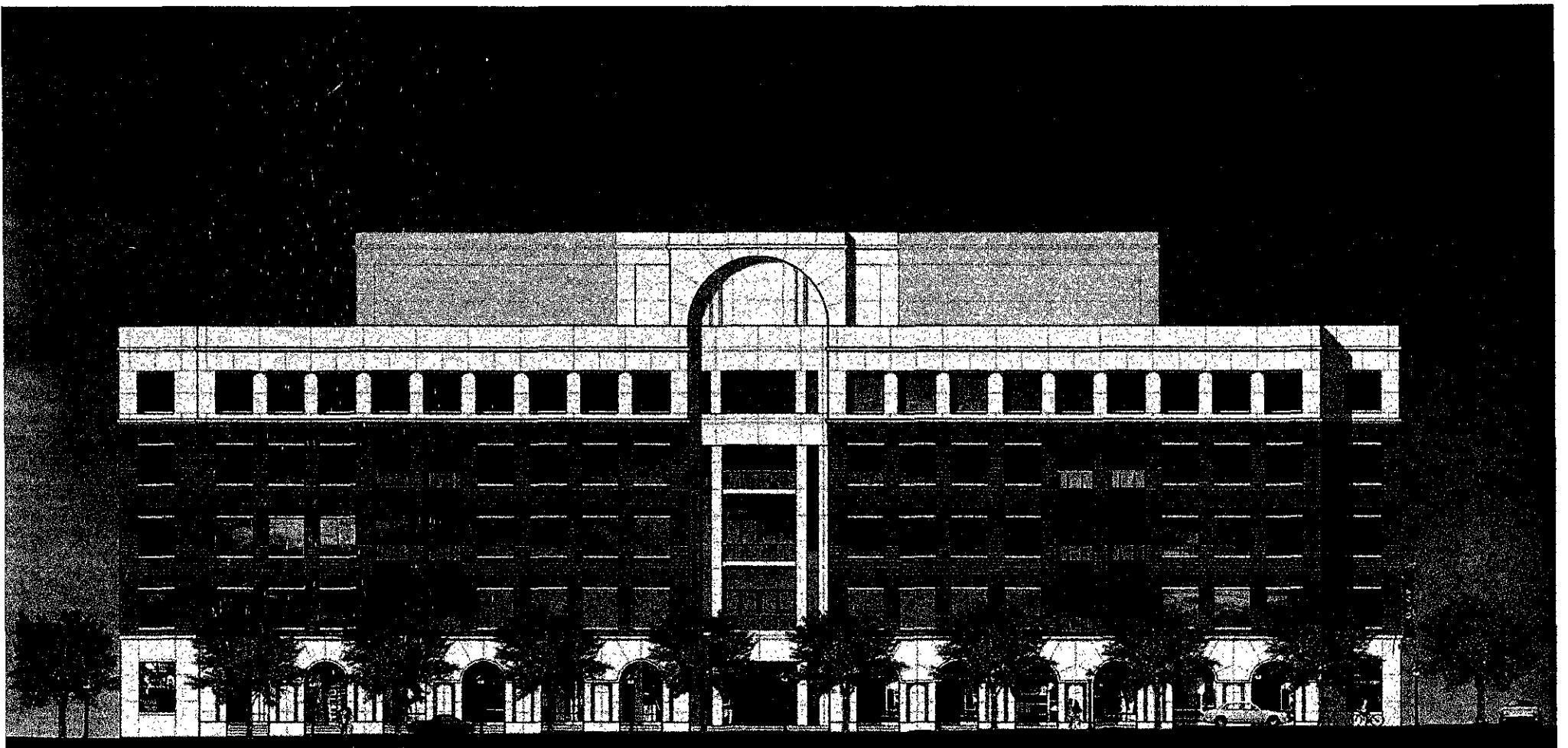
BUILDING 'F'

# Innsbrook Corporate Center

January 21, 2005

COOPER CARRY 

FRANCIS-BOYD, N. J.  
**EXHIBIT**  
E-1



Office Building

0 10 20 30 40

 HIGHWOODS  
PROPERTIES

INNSBROOK CORPORATE CENTER

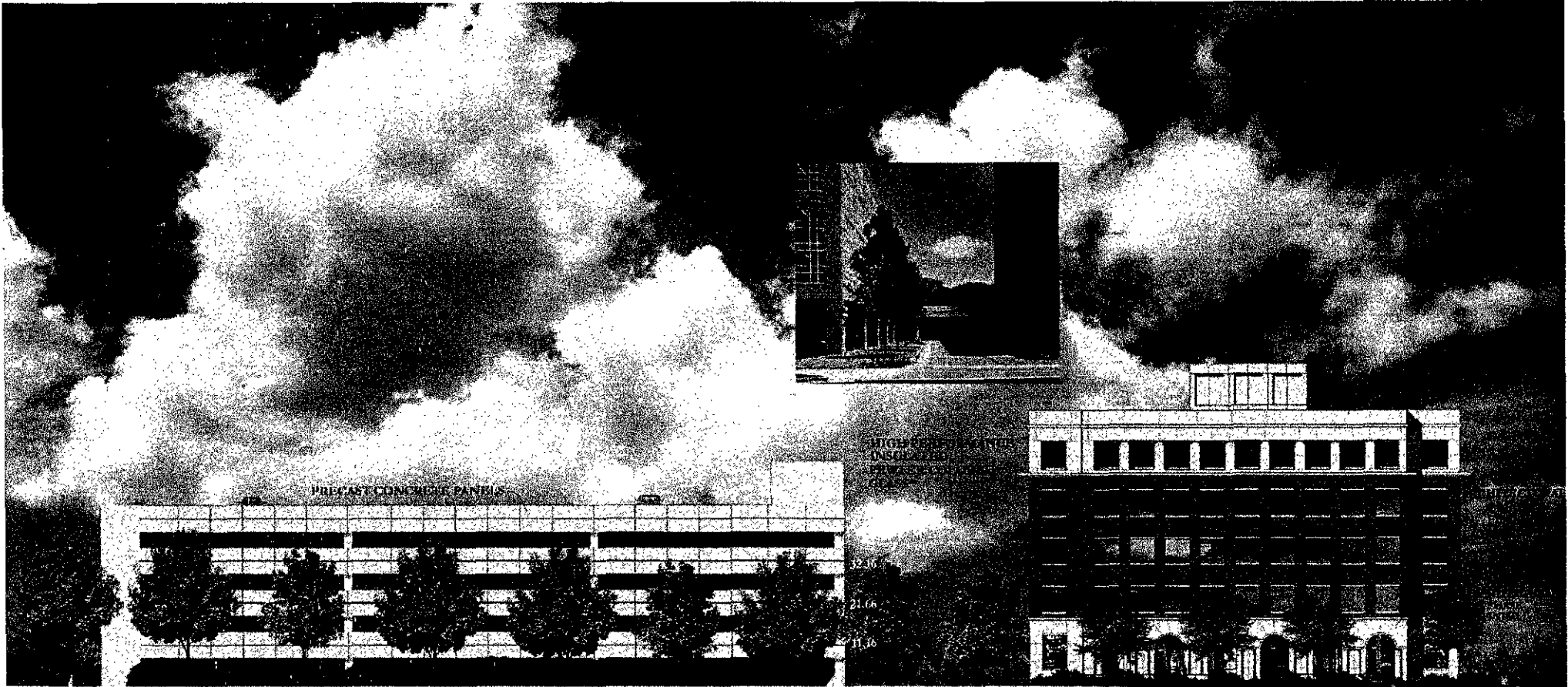
RICHMOND, VIRGINIA

 COOPER CARRY  
GROUP

PERCUD-Appraiser, R. J.

EXHIBIT

E-2



PRECAST CONCRETE PANELS

HIGH RISE PANELS  
ONCE

32.06  
21.66  
11.46

BUILDING E EAST ELEVATION

 HIGHWOODS  
PROPERTIES

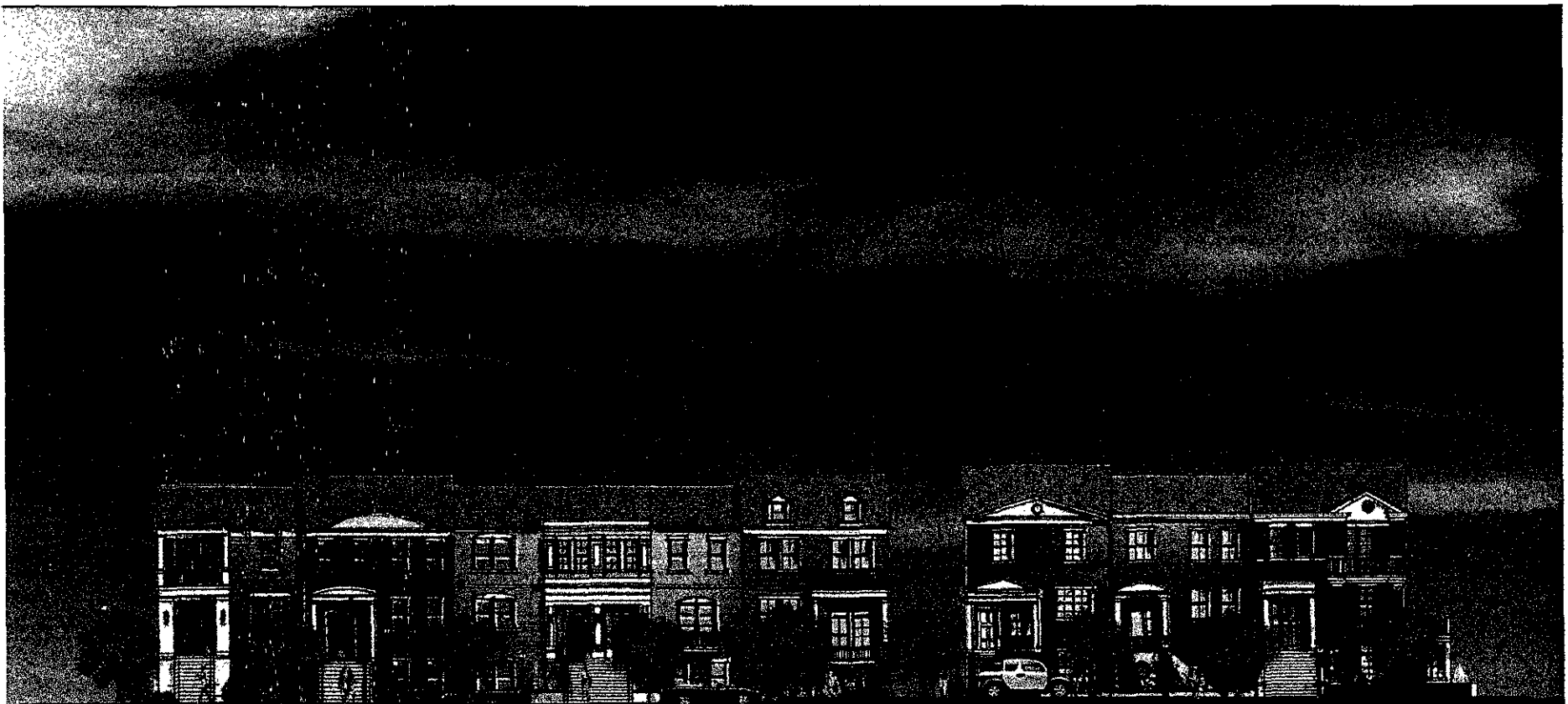
INNSBROOK CORPORATE CENTER  
RICHMOND, VIRGINIA

COOPER CARRY 

PHOTO: Syracuse, N. Y.

EXHIBIT

E-3



TOWNHOME

Innsbrook Corporate Center

January 21, 2005

COOPER CARRY



EXHIBIT  
E-4

FRANCIS-JAYSON, N. J.