

①  
 B-2C, O-3C to B-2C  
 2.557 Acres

③  
 B-2C, O-3C to B-2C  
 4,630 Acres

②  
 B-2C, O-3C to O-3C  
 10.090 Acres

**ZONING**  
 OFFICE / CONDOS  
 and RETAIL  
 Ref. 748-758-5169

**C-45C-04**  
 Three Chopt District

0 400 Feet



July 2004



COMMONWEALTH OF VIRGINIA  
**COUNTY OF HENRICO**

Virgil R. Hazelett, P.E.  
County Manager

October 19, 2004

Retlaw 100, LLC  
P. O. Box 17859  
Greenville, SC 29606

Re: Conditional Rezoning Case C-45C-04

Dear Sir:

The Board of Supervisors at its meeting on October 12, 2004, granted your request to conditionally rezone property from B-2C Business District (Conditional) and O-3C Office District (Conditional) to B-2C Business District (Conditional) and O-3C Office District (Conditional), on part of Parcels 748-758-5169 and 748-759-6017, described as follows:

**Parcel 1 (proposed zoning: B-2C)**

Beginning at a point on the northern boundary of the right of way line of Interstate No. 64 and the eastern boundary of the right of way line of Cox Road, said point being the actual point and place of beginning of parcel 1, thence along the eastern boundary of the right of way line of Cox Road N33°38'51"E a distance of 295.02' to a point; thence leaving the eastern boundary of the right of way line of Cox Road in a southerly direction S56°02'54"E a distance of 47.59' to a point; thence along the arc of a curve to the left having a radius of 50' and an arc length of 4.47' to a point; thence S61°10'39"E a distance of 135.12' to a point; thence along the arc of a curve to the left having a radius of 150' and an arc length of 45.12' to a point; thence S11°35'15"W a distance of 50.85' to a point; thence S17°41'25"E a distance of 278.71' to a point; thence S75°18'06"W a distance of 55.38' to a point; thence N54°14'29"W a distance of 55.76' to a point; thence S35°46'01"W a distance of 70' to a point on the northern boundary of the right of way line of Interstate No. 64; thence along the northern boundary of the right of way line of Interstate No. 64 N54°13'59"W a distance of 372.28' to a point being the actual point and place of beginning for parcel 1, containing 2.557 acres, more or less.

**Parcel 2 (proposed zoning: O-3C)**

Begin at a point on the northern boundary of the right of way line of Interstate No. 64 and the eastern boundary of the right of way line of Cox Road, thence along the eastern boundary of the right of way line of Cox Road N33°38'51"E a distance of 295.02' to a point; thence leaving the eastern boundary of the right of way line of Cox Road in a southerly direction S56°02'54"E a distance of 47.59' to a point; thence along the arc of a curve to the left having a radius of 50' and an arc length of 4.47' to a point; thence

S61°10'39"E a distance of 135.12' to a point; thence along the arc of a curve to the left having a radius of 150' and an arc length of 45.12' to a point being the actual point and place of beginning for parcel 2, thence along the arc of a curve to the left having a radius of 150' and an arc length of 101.23' to a point; thence N62°55'21"E a distance of 125.95' to a point; thence along the arc of a curve to the left having a radius of 150' and an arc length of 66.22' to a point; thence N37°37'39"E a distance of 98.01' to a point; thence along the arc of a curve to the left having a radius of 195' and an arc length of 72.72' to a point; thence S73°44'24"E a distance of 45.79' to a point; thence N82°03'06"E a distance of 134.68' to a point; thence S77°06'04"E a distance of 412.33' to a point; thence S35°19'50"W a distance of 62.85' to a point; thence S26°48'40"W a distance of 139.78' to a point; thence S43°20'18"W a distance of 327.16' to a point; thence S37°25'08"W a distance of 221.94' to a point; thence S29°29'44"W a distance of 214.83' to a point; thence N55°55'52"W a distance of 252.17' to a point; thence N37°28'16"W a distance of 50.12' to a point; thence S66°29'40"W a distance of 62.19' to a point; thence along the arc of a curve to the left having a radius of 183.23' and an arc length of 134.35' to a point; thence N19°02'05"W a distance of 6.17' to a point; thence S17°41'25"E a distance of 278.71' to a point; thence S11°35'15"W a distance of 50.85' to a point being the actual point and place of beginning for parcel 2, containing 10.090 acres, more or less.

**Parcel 3 (proposed zoning: B-2C)**

Begin at a point on the northern boundary of the right of way line of Interstate No. 64 and the eastern boundary of the right of way line of Cox Road. Thence along the eastern boundary of the right of way line of Cox Road N33°38'51"E a distance of 295.02' to a point; thence leaving the eastern boundary of the right of way line of Cox Road in a southerly direction S56°02'54"E a distance of 47.59' to a point; thence along the arc of a curve to the left having a radius of 50' and an arc length of 4.47' to a point; thence S61°10'39"E a distance of 135.12' to a point; thence along the arc of a curve to the left having a radius of 150' and an arc length of 45.12' to a point; thence along the arc of a curve to the left having a radius of 150' and an arc length of 101.23' to a point; thence N62°55'21"E a distance of 125.95' to a point; thence along the arc of a curve to the left having a radius of 150' and an arc length of 66.22' to a point; thence N37°37'39"E a distance of 98.01' to a point; thence along the arc of a curve to the left having a radius of 195' and an arc length of 72.72' to a point being the actual point and place of beginning for parcel 3, thence along the arc of a curve to the left having a radius of 195' and an arc length of 59.35' to a point; thence N01°10'43"W a distance of 210.30' to a point on the southern boundary of the right of way line of Westerre Parkway; thence along the southern boundary of the right of way line of Westerre Parkway in an easterly direction along the arc of a curve to the left having a radius of 839.58' and an arc length of 109.23' to a point; thence N81°27'54"E a distance of 118.71' to a point; thence along the arc of a curve to the right having a radius of 557.50' and an arc length of 325.28' to a point; thence S65°02'32"E a distance of 149.82' to a point; thence departing the southern boundary of the right of way line of Westerre Parkway in a southerly direction S03°41'07"W a distance of 150.97' to a point; thence S39°04'45"W a distance of 95.70' to a point; thence

S35°25'07"W a distance of 57.89' to a point; thence in a westerly direction S77°06'04"E a distance of 412.33' to a point; thence N82°03'06"E a distance of 134.68' to a point; thence S73°44'24"E a distance of 45.79' to a point being the actual point and place of beginning for parcel 3, containing 4.630 acres, more or less.

The Board of Supervisors accepted the following proffered conditions, dated October 12, 2004, which further regulates the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Roadway Buffer Areas and Parking Lot Setback.**
  - (a) A landscaped buffer area of a minimum of thirty-five (35) feet in width shall be maintained along the Cox Road frontage of the Property which buffer shall be planted in accordance with the requirements for a Transitional Buffer 35 or as otherwise approved at the time of Plan of Development review.
  - (b) A landscaped buffer area of a minimum of twenty-five (25) feet in width shall be maintained along the Westerre Parkway frontage of the Property which buffer shall be planted in accordance with the requirements for a Transitional Buffer 25 or as otherwise approved at the time of Plan of Development review.
  - (c) Utility easements, grading, underground drainage facilities, signage, access drives and other facilities required or permitted at the time of Plan of Development review may be permitted within the buffer areas, except that any driveway or utility easement shall run generally perpendicular thereto, unless a utility provider requires that the easement be extended along and within the buffer area. Where permitted, areas disturbed for utility installation shall be restored to the extent reasonably practicable. Headlights in parking lots shall be shielded from adjacent public roads. Where necessary, grading or landscaping shall be installed within the buffer areas to accomplish such shielding. Additionally, pedestrian pathways may be installed in the buffer areas as required at the time of Plan of Development review to facilitate accessibility to uses developed on the Property or as determined to be necessary for pedestrian safety.
2. **HVAC.** Rooftop heating and air-conditioning equipment and ventilation equipment shall be screened from public view at ground level at the boundaries of the Property by means of parapets or other architectural features, in a manner approved at the time of Plan of Development review.
3. **Exterior Lighting.** Parking lot lighting standards shall be of a uniform design throughout the Property, unless otherwise approved at the time of Plan of

Development review. Parking lot lighting shall be produced from concealed sources of light.

4. **Architectural Considerations.** All buildings located on the Property shall be architecturally compatible in design and materials. A minimum of sixty percent (60%) of the exterior wall surfaces of any building constructed on the Property (exclusive of windows and doors) shall be of brick construction (two to three colors of brick may be used) with the remainder being a combination of stucco, exterior insulating finish system ("EIFS"), natural stone or any other similar quality material as approved at the time of Plan of Development review. No buildings located on the Property shall be covered with or have exposed to view any painted or unfinished concrete block or corrugated aluminum.
5. **Trash and Recycling Receptacle Areas.** All trash and recycling receptacle areas (excluding convenience trash receptacles) shall be screened from view at ground level by enclosures similar to the architectural materials used on the building served by the area or brick (except for gates). Such enclosures shall have opaque gates and concrete aprons at the gates.
6. **Site Coverage.** No more than seventy percent (70%) of that portion of the Property zoned B-2C shall be covered by buildings, driveways and parking areas. No more than seventy percent (70%) of that portion of the Property zoned O-3C shall be covered by buildings, driveways and parking areas.
7. **Retail Use and Development Restrictions.**
  - (a) **Prohibited Uses.** The following uses shall not be permitted on the Property:
    - (i) Adult business as defined in the Henrico County Zoning Ordinance;
    - (ii) Flea markets and antique auctions;
    - (iii) Gun shop, sales and repairs, except that such gun sales and repairs shall be permitted in a store that principally sells sporting goods and/or a department store;
    - (iv) Off-track betting parlors;
    - (v) On-site recycling collection facility, with this provision not prohibiting recycling activities by offices and businesses located on the Property;
    - (vi) Ice skating rinks, roller skating rinks, model racing tracks, electronic video game rooms as a principal use, bingo halls and billiard parlors unless such billiard parlors are associated with a restaurant;

- (vii) Freestanding “fast-food” restaurants, which for purposes hereof, shall be defined as establishments whose principal business is the sale of food and beverages to consumers in a ready to consume state, which food and beverages are usually served in disposable wrapping or containers for consumption either within the restaurant building or off the premises or delivered off-site;
  - (viii) Garden center; and
  - (ix) 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).
- (b) **Automotive Filling and Service Station.** Only one automotive filling and service station and convenience store may be developed on the Property. If an automotive filling and service station includes a convenience store, no additional convenience store may be developed on the Property. Any automotive filling and service station shall adhere to the following requirements:
- (i) Columns supporting any canopy covering pump island areas shall have exterior surfaces (above ground) of brick and/or EIFS.
  - (ii) Any lighting from the canopy covering islands for an automotive filling station, designed to light the pump island area, shall be produced from lighting sources recessed within the canopy.
  - (iii) Canopy facades shall not be back-lit, except that signage placed on a canopy façade may be back lit.
  - (iv) Building and canopy roofs shall not be flat but shall have a pitched design.
- (c) **Building Lots.** No more than six (6) separate building lots shall be developed on that portion of the Property zoned B-2C (exclusive of any portions of the B-2C zoned Property combined with building lots on the O-3C portion of the Property).

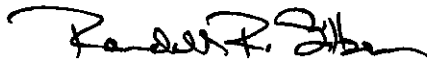
8. **Irrigation.** All newly installed landscaped areas on the Property, other than parking lot islands, shall be irrigated.
  
9. **Signs**
  - (a) Detached signs located on the Property shall be ground mounted, monument style signs, shall not exceed ten (10) feet in height, and shall not be internally lit.
  - (b) All ground mounted or attached signs on the Property shall conform to a coordinated signage program for the Property to be approved by the Director of Planning in connection with the initial Plan of Development for the Property.
  - (c) Attached signs shall be either internally lighted or top lighted from a non-visible source, unless other attached signage is specifically approved by the Director of Planning.
  
10. **Traffic.**
  - (a) **Access Roadway.** No certificate of occupancy shall be issued for any buildings or improvements on the Property until such time as a roadway has been constructed along or through the Property between Cox Road and Westerre Parkway (the "Private Road").
  - (b) **Access Limitation.** Other than the Private Road, there shall be no direct vehicular access drive between the Property and Cox Road and a maximum of one (1) vehicular access drive between the Property and Westerre Parkway.
  - (c) **Sidewalk.** In connection with the development of the portion of the Property located adjacent to Cox Road, a sidewalk shall be installed within or adjacent to the right of way of Cox Road along the Property's Cox Road frontage.
  - (d) **P.M. Trips Limitation.** Except as otherwise approved in connection with Plan of Development review, P.M. peak traffic generated from the Property, calculated at the time of Plan of Development review using the ITE manual, 7<sup>th</sup> edition, shall not exceed a total of 418 vehicle trips. Each Plan of Development for any portion of the Property shall include a table indicating the anticipated total P.M. peak hour vehicle trips for the uses specified in such Plan of Development and the total P.M. vehicle trips included in any

previous Plans of Development approved with respect to the Property after the date of these proffered conditions.

11. **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 any 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,



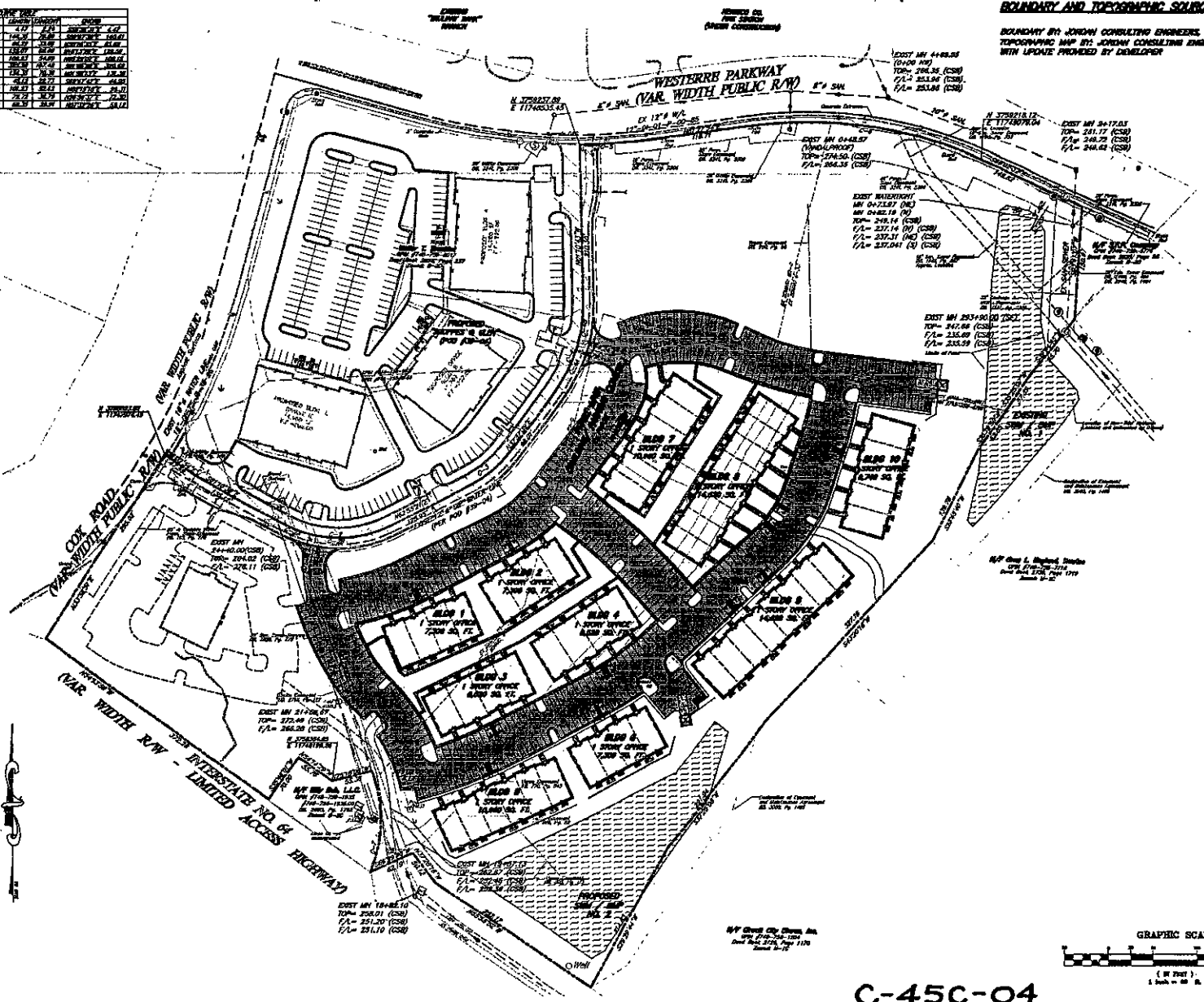
for Virgil R. Hazelett, P.E.  
County Manager

pc: Mr. T. Walter Brashier  
Mr. Edward B. Kidd, Esquire  
Director, Real Estate Assessment  
Conditional Zoning Index



DATE	BY	REVISION	DESCRIPTION
01/15/04	JCE	1	ISSUED FOR PERMIT
02/10/04	JCE	2	REVISED TO REFLECT PERMIT COMMENTS
03/05/04	JCE	3	REVISED TO REFLECT PERMIT COMMENTS
04/01/04	JCE	4	REVISED TO REFLECT PERMIT COMMENTS
05/01/04	JCE	5	REVISED TO REFLECT PERMIT COMMENTS
06/01/04	JCE	6	REVISED TO REFLECT PERMIT COMMENTS
07/01/04	JCE	7	REVISED TO REFLECT PERMIT COMMENTS
08/01/04	JCE	8	REVISED TO REFLECT PERMIT COMMENTS
09/01/04	JCE	9	REVISED TO REFLECT PERMIT COMMENTS
10/01/04	JCE	10	REVISED TO REFLECT PERMIT COMMENTS
11/01/04	JCE	11	REVISED TO REFLECT PERMIT COMMENTS
12/01/04	JCE	12	REVISED TO REFLECT PERMIT COMMENTS
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02/01/05	JCE	14	REVISED TO REFLECT PERMIT COMMENTS
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04/01/05	JCE	16	REVISED TO REFLECT PERMIT COMMENTS
05/01/05	JCE	17	REVISED TO REFLECT PERMIT COMMENTS
06/01/05	JCE	18	REVISED TO REFLECT PERMIT COMMENTS
07/01/05	JCE	19	REVISED TO REFLECT PERMIT COMMENTS
08/01/05	JCE	20	REVISED TO REFLECT PERMIT COMMENTS
09/01/05	JCE	21	REVISED TO REFLECT PERMIT COMMENTS
10/01/05	JCE	22	REVISED TO REFLECT PERMIT COMMENTS
11/01/05	JCE	23	REVISED TO REFLECT PERMIT COMMENTS
12/01/05	JCE	24	REVISED TO REFLECT PERMIT COMMENTS

**BOUNDARY AND TOPOGRAPHIC SOURCE**  
 BOUNDARY BY JORDAN CONSULTING ENGINEERS, P.C. 07/04  
 TOPOGRAPHIC MAP BY JORDAN CONSULTING ENGINEERS, P.C. 04/00  
 WITH UPDATE PROVIDED BY DEVELOPER



C-45C-04

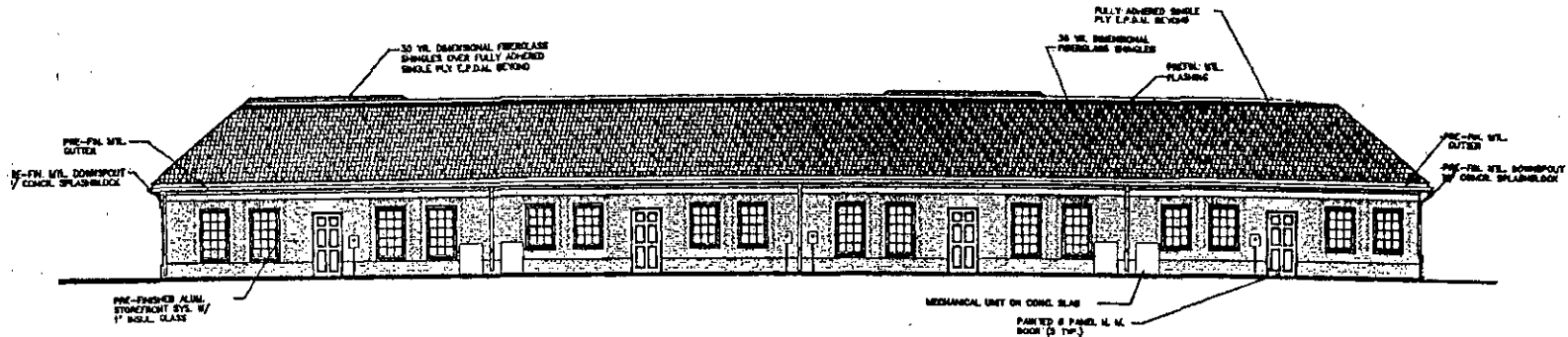
**CIVIL · HIGHWAY · P · RAINAGE · SURVEYING · SITE PLANS · SUBDIVISIONS**  
 JORDAN CONSULTING ENGINEERS, P.C.  
 WESTERRE COMMONS CONDOLINIUMS  
 OVERALL LAYOUT PLAN  
 SHEET 5 OF 19  
 DATE: 08/19/05  
 SCALE: 1" = 40'-0"  
 DRAWN BY: JMM  
 CHECKED BY: JMM  
 PROJECT NO.: 040501





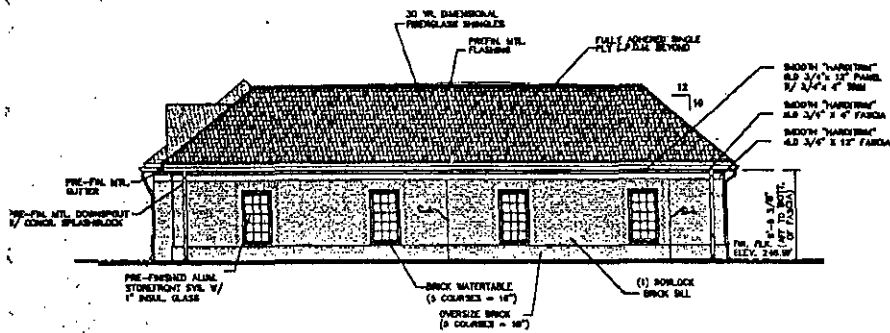
**FRONT ELEVATION — BUILDING 4**

SCALE 1/8" = 1'-0"



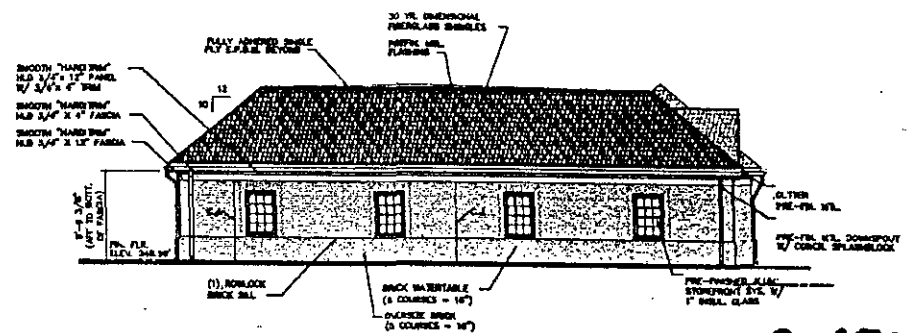
**REAR ELEVATION — BUILDING 4**

SCALE 1/8" = 1'-0"



**RIGHT SIDE ELEVATION — BUILDING 4**

SCALE 1/8" = 1'-0"



**LEFT SIDE ELEVATION — BUILDING 4**

SCALE 1/8" = 1'-0"

**C-45C-04**