

CITY OF RICHMOND
COUNTY OF HENRICO

M-2

37TH ST

GODDIN ST

M-2 to UMUC
30.68 Acres

James River

M-2

OLD OSBORNE TPKE

M-2

CSX RR

RICKERSTAFF RD

M-3



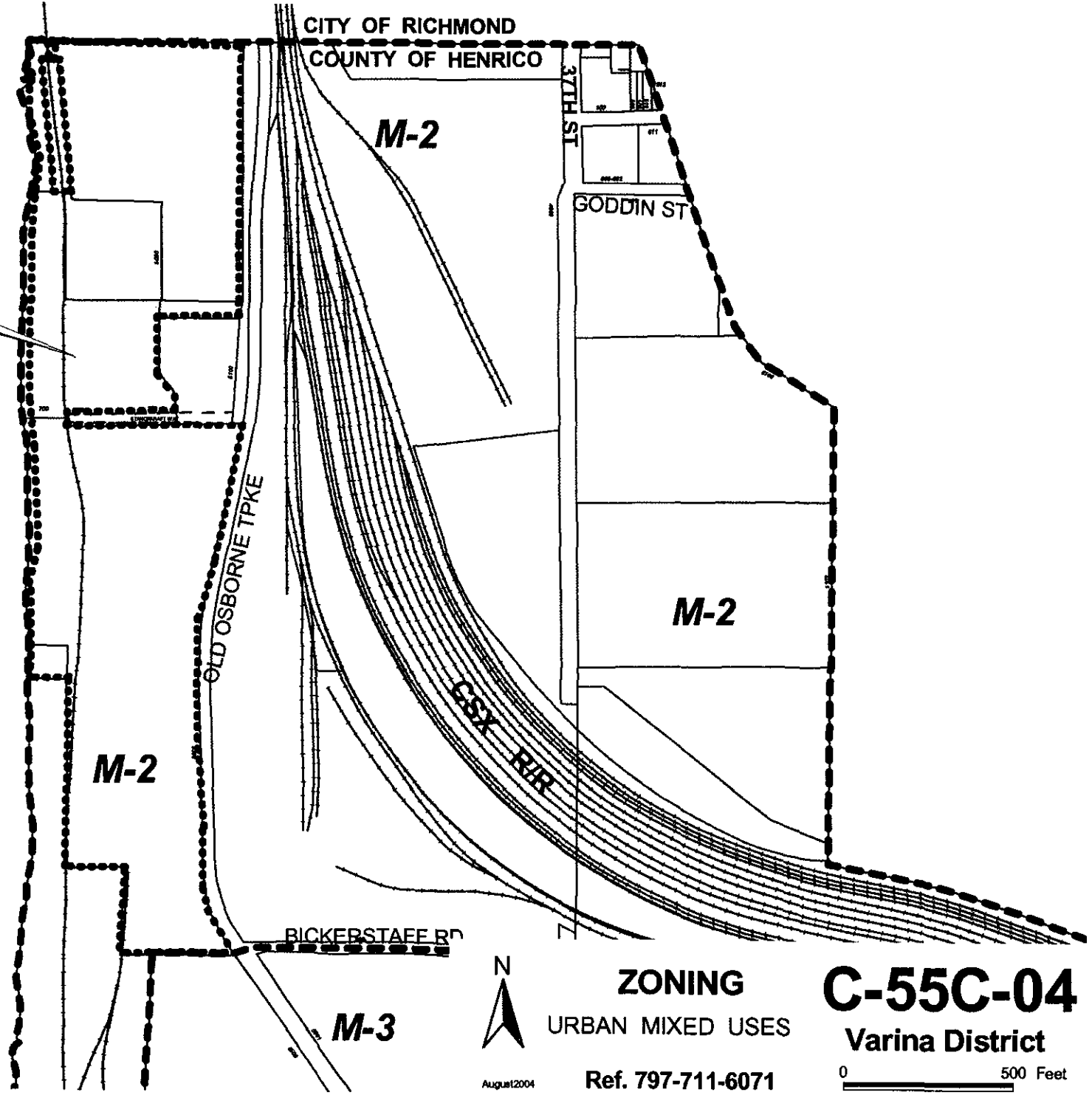
August 2004

ZONING
URBAN MIXED USES

Ref. 797-711-6071

C-55C-04
Varina District

0 500 Feet





COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

November 16, 2004

Mr. Jason Vickers-Smith
Manager
Central Virginia Investments
1984 Opitz Boulevard, Unit 16
Woodbridge VA 22191-3304

Re: Conditional Rezoning Case C-55C-04

Dear Mr. Vickers-Smith:

The Board of Supervisors at its meeting on November 9, 2004, granted your request to conditionally rezone property from M-2 General Industrial District to UMUC Urban Mixed Use District (Conditional), Parcels 797-713-5542, 797-713-4210, 797-712-3780, 797-711-6071 and 797-711-2587, described as follows:

Beginning at a point at the intersection of the James River and the Henrico/Richmond County line; thence S89°42'00"E 49.81' to a point; thence in a northwesterly direction in a curve to the right having an arc length of 50.45', radius of 13073.56', a chord bearing of N03°33'32"W and a chord distance of 50.45' to a point; thence S89°42'00"E 5.86' to a point; thence S04°50'00"E 388.80' to a point; thence S89°25'30"E 50.24' to a point; thence N04°50'00"W 389.05' to a point; thence N89°42'00"W 20.29' to a point; thence in a southeasterly direction in a curve to the left having an arc length of 50.45', radius of 13073.56', a chord bearing of S03°33'32"E and a chord distance of 50.45' to a point; thence S89°42'00"E along the city/county line 565.91' to a point; thence S00°44'00"W 296.53' to a point; thence N89°42'00"W 1.75' to a point; thence S00°52'30"W 463.71' to a point; thence S05°32'45"W 48.95' to a point; thence N89°42'14"W 231.98' to a point; thence S00°35'46"W 161.10' to a point; thence S38°30'32"E 68.88' to a point; thence S03°54'56"E 84.49' to a point; thence S89°36'13"W 318.19' to a point; thence S01°15'08"W 25' to a point; thence N89°39'33"E 464.43' to a point; thence N23°29'18"E 28.04' to a point; thence N89°34'36"E 40.40' to a point; thence in a southwesterly direction in a curve to the right having an arc length of 72.32', radius of 1876.91', a chord bearing of S12°11'12"W and a chord distance of 72.32' to a point; thence S13°17'31"W 439.34' to a point; thence in a southwesterly direction in a curve to the right having an arc length of 237.26', radius of 970.50', a chord bearing of S06°17'19"W and a chord distance of 236.67' to a point; thence S00°42'54"E 559.41' to a point; thence in a southeasterly direction in a curve to the right having an arc length of 276.53', radius of 473.90', a chord

bearing of S17°25'54"E and a chord distance of 272.62' to a point; thence S01°33'57"E 13.40' to a point; thence N89°12'44"W 238.04' to a point; thence N89°42'00"W 92.89' to a point; thence N04°08'34"E 262.33' to a point; thence S89°34'04"W 173' to a point; thence N00°45'14"E 554.77' to a point; thence N89°14'46"W 124'± to the James River; thence 1860'± along the low water line of the James River to said place and point of beginning, containing 30.682± acres.

The Board of Supervisors accepted the following proffered conditions, dated October 22, 2004, which further regulates the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Overall Development.** The Property shall be developed, including the public street grid pattern, in general conformance with the attached Exhibit 1 entitled "Land Bay Map (Master Plan) Rocketts Landing, Henrico County, Virginia (see case file)," with any variations approved for the development on the Property in any subsequent PUP Master Plan approval, Plan of Development, subdivision approval or any variations permitted by the Director of Planning upon the Director finding the variations are generally in keeping with the spirit and concept of Exhibit 1 (see case file). The land for any public roads on the Property shall be dedicated to the County.
2. **Architectural Design Guidelines.** Restrictive covenants consistent with the provisions of Section 24-34 of the Code of the County of Henrico dealing with covenants required shall include provisions dealing with the development on the Property, including parking garages, in general conformance with the provisions of the attached Exhibit 2 entitled "Henrico County Village of Rocketts Landing Guidelines, Architectural Guidelines (see case file)." In addition thereto, all development on the Property shall be subject to approval of an Architectural Review Committee established by the owner of the Property to review and approve development of all structures on the Property in general conformance with Exhibit 2 (see case file).
3. **Landscape Design Guidelines.** The Property shall be developed, including streetscape planting strips adjacent to public roadways, in general conformance with the attached Exhibit 3 entitled "Henrico County Village of Rocketts Landing Guidelines, Landscape Design Guidelines (see case file)," with any variations approved for the development on the Property in any subsequent PUP Master Plan approval, Plan of Development, subdivision approval or any variations permitted by the Director of Planning upon the Director finding the variations are generally in keeping with the spirit and concept of Exhibit 3 (see case file).
4. **Streetscape Design Guidelines.** The Property shall be developed in general conformance with the provisions of the attached Exhibit 4 entitled "Henrico County Village or Rocketts Landing Guidelines, Streetscape Design Guidelines

(see case file),” with any variations approved for the development on the Property in any subsequent PUP Master Plan approval, Plan of Development, subdivision approval or any variations permitted by the Director of Planning upon the Director finding the variations are generally in keeping with the spirit and concept of Exhibit 4 (see case file).

5. **Street Type Key Plan and Illustrative Sections.** The Property shall be developed in general conformance with the attached Exhibit 5 entitled “Street Type Key Plan and Illustrative Sections, Rocketts Landing, Henrico County, Virginia (see case file),” including rights of way dedicated to the County, with any variations approved for the development on the Property in any subsequent PUP Master Plan approval, Plan of Development, subdivision approval or any variations permitted by the Director of Public Works upon the Director finding the variations are generally in keeping with the spirit and concept of Exhibit 5 (see case file). The land for any public roads on the Property shall be dedicated to the County.
6. **Route 5 Landscaping – Illustrative Sections.** The Property shall be developed in general conformance with the attached Exhibit 6 entitled “(Route 5 Landscaping – Illustrative Section, Rocketts Landing, Henrico County, Virginia (see case file),” with any variations approved for the development on the Property in any subsequent PUP Master Plan approval, Plan of Development, subdivision approval or any variations permitted by the Director of Planning upon the Director finding the variations are generally in keeping with the spirit and concept of Exhibit 6 (see case file).
7. **Examples of Urban Details.** The Property shall be developed, to the extent appropriate, in general conformance with the attached Exhibit 7 entitled “Examples of Urban Details, Rocketts Landing, Henrico County, Virginia (see case file),” with any variations approved for the development of the Property in any subsequent PUP Master Plan approval, Plan of Development, subdivision approval or any variations permitted by the Director of Planning upon the Director finding the variations are generally in keeping with the spirit and concept of Exhibit 7 (see case file).
8. **Illustrative Riverfront Park Section.** The Property shall be developed, to the extent appropriate, in general conformance with the attached Exhibit 8 entitled “Illustrative Riverfront Park Sections, Rocketts Landing, Henrico County, Virginia (see case file),” with any variations approved for the development on the Property in any subsequent PUP Master Plan approval, Plan of Development, subdivision approval or any variations permitted by the Director of Planning upon the Director finding the variations are generally in keeping with the spirit and concept of Exhibit 8 (see case file). A minimum of 50 feet of the Property

immediately adjacent to the James River shall be used for open space, park, promenade or water-dependent uses.

9. **Road Improvements.** Based on recommendations of the Department of Public Works, the Property shall be developed consistent with an October 11, 2004 letter by Ralph L. Axselle, Jr. to Robert C. Thompson, Director of Public Works (see case file), regarding the Property unless a deviation from such recommendations set forth in that letter (see case file) shall be requested by the owner of the Property and approved by the Director of Public Works.
10. **Restrictive Covenants; Architectural Review Committee.** Development on the Property shall be in general conformance with the provisions of Section 24-34 of the Code of the County of Henrico dealing with covenants required, which covenants shall be in general conformance with the attached Exhibit 9 entitled "Rocketts Landing, Henrico County, Virginia" II Maintenance Guarantees and Assurances (see case file)," with any variations approved for the development on the Property in any subsequent PUP Master Plan approval, Plan of Development, subdivision approval or any variations permitted by the Director of Planning upon the Director finding the variations are generally in keeping with the spirit and concept of Exhibit 9 (see case file).

In addition, thereto, all development on the Property shall be subject to approval of an Architectural Review Committee established by the owner of the Property to review and approve development of all structures on the Property.

11. **Mixture of Uses.** A minimum of 18% of the building square footage on the Property shall be developed for commercial or office uses. The approved Master Plan for a phase of development on the Property may be modified in a subsequent Master Plan approval by a Provisional Use Permit to allow a modification of the previously-approved percentages in that phase.

There shall be no more than 425 apartments on the Property.

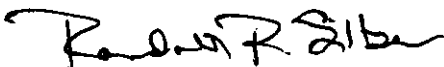
12. **Pedestrian Access to Adjoining Properties.** The Property shall be developed in a fashion that provides pedestrian access to the properties to the east and west of the Property as determined appropriate in subsequent Plan of Development approvals.
13. **Government Uses.** The development on the Property shall include a Henrico County police sub-station and a marina slip for use by Henrico County, if either or both are requested by the County of Henrico during any Plan of Development approval process.

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14. **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

pc: Mr. William H. Abeloff
Mr. Burrell F. Saunders
Director, Real Estate Assessment
Conditional Zoning Index
Dr. Penny Blumenthal – Director, Research and Planning