

O-2C, O-3C & B-2C
to UMUC
115.044 Ac.

Zoning Districts identified on this sheet with an Asterisk (*) are within the West Broad Street Overlay District and are subject to Special Regulation

C-12C-06
Zoning
 Urban Mixed Use
 Three Chopt District
 600 Feet
 PS December 2005 Ref: 741-760-6979



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

March 21, 2006

Mr. Chuck Whittall
Unicorp National Developments, Inc.
c/o Jodi Ruttman
7505 W. Sand Lake Road
Orlando, FL 32819

Re: Conditional Rezoning Case C-12C-06

Dear Mr. Whittall:

The Board of Supervisors at its meeting on March 14, 2006, granted your request to rezone from O-2C Office (Conditional), O-3C Office (Conditional), and B-2C Business (Conditional) Districts to UMUC Urban Mixed Use (Conditional), Parcels 741-760-6979, 744-759-2099, 742-760-7866, 742-760-1598, 742-761-5510, 743-759-3484, 743-760-9645, 743-760-5660, 744-760-8832, and parts of Parcels 741-760-8628, 741-759-0697, 741-760-5792, and 741-761-4704, described as follows:

West Parcel

Beginning at a Point; said Point being the intersection of the eastern line of a portion of vacated and abandoned Three Chopt Road and Three Chopt Lane and the northern line of Three Chopt Road; thence along the northern line of Three Chopt Road Relocated S 85°46'22" W a distance of 178.72' to a Point; thence along a curve to the left having a radius of 987.93' and a length of 357.88' along said curve to a Point; thence along a curve to the left having a radius of 991.25' and a length of 37.26' along said curve to a Point; thence along a curve to the left having a radius of 988.21' and a length of 18.85' along said curve to a Point; thence from the northern line of Three Chopt Road Relocated N 19°32'14" W a distance of 532.95' to a Point; thence N 81°04'25" W a distance of 457.64' to a Point; thence N 82°36'50" W a distance of 148.70' to a Point; thence N 76°35'09" W a distance of 518.73' to Point in the eastern line of John Rolfe Parkway; thence along the eastern line of John Rolfe Parkway along a curve to the right having a radius of 5689.58' and a length of 313.53' along said curve to a Point; thence along a curve to the left having a radius of 5769.58' and a length of 167.06' along said curve to a Point; thence along a curve to the left having a radius of 2439.51' and a length of 100.66' along said curve to a Point; thence from the eastern line of John Rolfe Parkway S 64°36'35" E a distance of 568.79' to Point; thence N 49°32'05" E a distance of 214.99' to Point; thence along a curve to the right having a radius of 225.00' and a length of 212.42' along said curve to a Point; thence S 76°22'25" E a distance of 141.52'

to a Point: thence N 13°37'35" E distance of 393.86' to a Point in the southern line of West Broad Street-U.S. Route No. 250; thence along the southern line of West Broad Street S 76°22'25" E a distance of 300.34' to a Point; thence S 13°37'35" W a distance of 17.00' to a Point; thence S 76°22'25" E a distance of 16.00' to a Point; thence N 13°37'35" E a distance of 17.00' to a Point; thence S 76°22'25" E a distance of 163.00' to a Point; thence S 13°37'35" W a distance of 17.00' to a Point; thence S 76°22'25" E a distance of 17.00' to a Point; thence N 36°00'23" E a distance of 18.38' to a Point; thence S 76°22'25" E a distance of 330.93' to a Point; thence along a curve to the left having a radius of 5792.58' and a length of 102.13' along said curve to a Point; thence S 12°37'04" W a distance of 20.99' to Point; thence along a curve to the left having a radius of 5813.58' and a length of 15.22' along said curve to a Point; thence N 12°28'04" E a distance of 21.00' to a Point; thence along a curve to the left having a radius of 5792.58' and a length of 248.82' along said curve to a Point; thence S10°00'24" W a distance of 7.00' to a Point; thence S 80°45'27" E a distance of 155.00' to a Point; thence N 08°43'41" E a distance of 7.00' to a Point; thence S 81°16'19" E a distance of 69.50' to a Point in the western line of Service Road A; thence along the western and southern line of Service Road A S 43°10'03" E a distance of 7.52' to a Point; thence S 31°52'02" W a distance of 10.85' to a Point; thence N 82°56'24" E a distance of 13.19' to a Point; thence S 43°52'22" E a distance of 19.85' to a Point; thence along a curve to the left having a radius of 92.00' and a length of 126.27' along said curve to a Point; thence S 81°15'38" E a distance of 179.61' to a Point; thence S 23°41'25" E a distance of 65.33' to a Point; thence S 81°12'20" E a distance of 44.27' to a Point; thence from the southern line of Service Road A S 11°28'15" W a distance of 161.40' to a Point; thence along a curve to the left having a radius of 399.92' and a length of 248.70' along said curve to a Point; thence S 35°36'34" W a distance of 100.82' to a Point; thence along a curve to the left having a radius of 400.00' and a length of 117.54' along said curve to a Point; thence S 18°46'24" W a distance of 55.96' to a Point; thence along a curve to the left having a radius of 800.00' and a length of 111.17' along said curve to a Point; thence S 10°48'41" W a distance of 100.78' to a Point; thence along a curve to the right having a radius of 800.00' and a length of 79.31' along said curve to a Point; thence N 64°49'08" W a distance of 133.65' to a Point; thence S 20°35'14" W a distance of 565.39' to a Point in the northern line of Three Chopt Road; thence along the northern line of Three Chopt Road along a curve to the right having a radius of 2052.65' and a length of 138.27' along said curve to a Point; thence N 52°50'35" W a distance of 286.74' to a Point; thence S 36°22'33" W a distance of 20.02' to a Point; thence N 52°56'01" W a distance of 142.00' to a Point in the western line of a portion of vacated and abandoned Three Chopt Road and Three Chopt Lane being the Point and Place of Beginning containing 64.575 acres.

East Parcel

Beginning at a Point; said point being the intersection of the eastern line of Service Road A and the southern line of West Broad Street-U.S. Route No. 250 and Interstate Route 64; thence from the said point along the southern line of Interstate Route 64 and Limited Access Line S 83°45'10" E a distance of 24.45' to a Point; thence S 80°39'52" E

a distance of 26.63' to a Point; thence along a curve to the right having a radius of 899.93' and a length of 593.85' along said curve to a Point; thence S 41°00'10" E a distance of 372.47' to a Point; thence along a curve to the left having a radius of 647.20' and a length of 442.90' along said curve to a Point; thence from the southern line of Interstate Route 64 S 36°22'26" W a distance of 1389.99' to a Point in the northern line of Three Chopt Road; thence along the northern line of Three Chopt Road N 79°59'30" W a distance of 67.70' to a Point; thence along a curve to the right having a radius of 2452.00' and a length of 447.70' along said curve to a Point; thence S 36°09'26" W a distance of 18.69' to a Point; thence along a curve to the right having a radius of 2470.00' and a length of 348.34' along said curve to a Point; thence N 61°19'58" W a distance of 185.66' to a Point; thence N 36°10'31" E a distance of 25.18' to Point; thence N 61°02'35" W a distance of 105.97' to a Point; thence along a curve to the right having a radius of 2052.65' and a length of 155.50' along said curve to a Point; thence from the northern line of Three Chopt Road N 20°35'14" E a distance of 565.39' to a Point; thence S 64°49'08" E distance of 133.65' to a Point; thence along a curve to the left having a radius of 800.00' and a length of 79.31' along said curve to a Point; thence N 10°48'41" E a distance of 100.78' to a Point; thence along a curve to the right having a radius of 800.00' and a length of 111.17' along said curve to a Point; thence N 18°46'24" E a distance of 55.96' to a Point; thence along a curve to the right having a radius of 400.00' and a length of 117.54' along said curve to a Point; thence N 35°36'34" E a distance of 100.82' to a Point; thence along a curve to the right having a radius of 399.92' and a length of 248.70' along said curve to a Point; thence N 11°28'15" E a distance of 161.40' to Point in the southern line of Service Road A; thence along the southern and eastern line of Service Road A S 81°12'20" E a distance of 17.86' to a Point; thence N 36°20'30" E: a distance of 129.57' to a Point in the southern line of Interstate Route 64 being the Point and Place of Beginning containing 50.469 acres.

The Board of Supervisors accepted the following proffered conditions, dated March 14, 2006, 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 in general conformance with the combination of the attached exhibit to the application entitled "WEST BROAD VILLAGE, HENRICO COUNTY, VIRGINIA, Masterplan, dated March 12, 2006" (the "Master Plan")(see case file); and (b) all such additional exhibits which are provided as part of the application for rezoning (the "Pattern Book")(see case file) with any variations from such Exhibits permitted for the development on the Property in any subsequent 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 such Exhibits.

provided, however, there may be modifications in the appearance of such buildings to provide some variety in those buildings due to differences in size, scale and uses (mixed, retail, office, hotel, townhouse-style condominiums or other condominiums) of such buildings.

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 the Pattern Book (see case file).

2. **Land Bay Master Plan.** At the time of submission of each tentative subdivision plan or Plan of Development, the Owner shall provide a "Land Bay Master Plan" for the land bay of which the requested tentative subdivision or Plan of Development is a part. The "Land Bay Master Plan" shall show:
 - a. The specific types and locations of all uses proposed for such land bay or portion of the land bay to the extent known;
 - b. A phasing schedule showing that adequate utilities, pedestrian accessways and roadways that then exist or will be constructed as part of the proposed development to serve the proposed uses or level of development within the land bay or portion of the land bay; and
 - c. Other information for tentative subdivision or Plan of Development submissions as may be required by the Henrico County Subdivision and/or Zoning Ordinance.

The uses shown on each subdivision plan or Plan of Development within each land bay or portion of the land bay will be consistent with the uses contained in these proffered conditions.

3. **Mixture of Uses.** A minimum of 25% of the building square footage on the Property shall be developed for commercial (retail, restaurant, service, and hotel) or office uses.
4. **Best Management Practice.** Best Management Practice structures shall be located outside of the landscaped buffer along West Broad Street, John Rolfe Parkway and Three Chopt Road, except if such structures are underground, or serve 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.

5. **Interior Road Standards.** All private roads within the Development shall meet and be constructed to Henrico County Public Road Standards, unless otherwise approved by the County Traffic Engineer. Prior to the issuance of a final Certificate of Occupancy for any structure, the developer shall provide the Planning Office certification from a licensed geotechnical engineering firm that the roadways and parking areas within the development leading to such a structure were constructed according to the approved plan and in compliance with Henrico County road design standards and specifications to include proper compaction of the sub-base soils, utility trenches, base stone and asphalt surface or a bond shall be provided to Henrico County for items not yet completed.
6. **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.
7. **Vehicular Access Restrictions.** There shall be no vehicular access to the Property from Three Chopt Road, other than for emergency vehicles.
8. **Exterior Materials.** The commercial buildings on the Property shall have exposed exterior front, rear and side walls (above finished grade) primarily of brick, glass, split face block, 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.
9. **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 consistent with the Pattern Book (see case file).
10. **Mechanical Equipment.** Mechanical equipment adjacent to any commercial building shall be screened from public view at ground level to the greatest extent practical in a manner approved at the time of Plan of Development, with such screening material being of the same material as the exterior of the adjacent building or of material of comparable architectural treatment as the exterior of

such adjacent building. Landscaping may be used in place of such material if approved by the Planning Commission.

11. **Refuse Container Enclosures.** Enclosures for refuse containers serving any commercial space 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.
12. **Underground Utilities.** Except for junction boxes, meters and existing overhead utility lines or for technical regulatory or environmental reasons, all utility lines shall be underground.
13. **Sidewalks.** Sidewalks a minimum of five (5) feet in width shall be provided along all roads within the development as shown on the Master Plan (see case file).
14. **Parked or Stored Vehicles.** No recreational vehicles, campers, trailers or boats shall be permitted to be parked or stored on the Property other than in designated areas.
15. **Density Limitations.** There shall be no more than 884 residential dwelling units on the Property as set forth in the Pattern Book (see case file).
16. **Limitation on Apartments.** There shall be no certificates of occupancy issued for any more than 250 dwelling units intended for lease (apartment).
17. **Construction Material.** The exterior wall surfaces of any structure on the Property in which the majority of square footage usage is for residential purposes (with the exception of foundations, trim and architectural treatments) shall be constructed of brick, wood, and/or hardiplank (or other similar masonry product), unless otherwise allowed in any subsequent Plan of Development.
18. **Fireplace Chimneys.** All exterior portions of fireplace chimneys shall be enclosed by brick or stone. For brownstones, all fireplace chimneys and gas vents shall be built on brick or stone foundations, but gas or ornamental fireplaces may be wall-vented within chimneys; however, such vented enclosures shall not be cantilevered and must have a base to match the foundation. A fireplace on a floor above the first floor may have a cantilevered chimney or gas vent provided that such is blended into the building using a decorative corbel, provided such decorative treatment is varied among the buildings and otherwise as may be required at the time of the approval of the Plan of Development for the Property.
19. **Parking.** Each brownstone and townhome liner unit shall contain a one or

two-car attached garage.

20. **Paved Drives.** Each driveway serving a brownstone or townhome liner unit in the Development shall be hard surface and may be of asphalt, concrete or aggregate materials.
21. **Sound Suppression Measures.** Sound suppression measures shall be provided in the common wall between attached residential 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.
22. **Cash Proffer.** Prior to the release of the first certificate of occupancy on the Property, a cash proffer in the amount of one hundred sixty thousand dollars (\$160,000.00) shall be paid to the County to mitigate the development's impact on public services. Such cash proffer shall be used by the County to provide for equipment, an additional facility, or an upgrade to an existing facility for County fire, police or emergency services. Such cash proffers not used for the purposes specified in this proffer within fifteen (15) years of such payment shall be returned to the payor.
23. **Road Improvements.** The following improvements shall be made within the time period required by the County Director of Public Works at the time of approval of any Plan of Development on the Property:
 - a. Construction of eastbound right turn lanes on West Broad Street at any site entrance into the Property from West Broad Street.
 - b. Construction of a second left turn lane on westbound West Broad Street at the existing light for Brookriver Drive pursuant to the construction standards required by the County Traffic Engineer.
 - c. Construction of a second left turn lane on westbound West Broad Street into the westernmost entrance into the Property pursuant to the construction standards required by the County Traffic Engineer.
 - d. Construction of left and right turn lanes on John Rolfe Parkway at any entrance into the Property pursuant to the construction standards required by the County Traffic Engineer.
 - e. Construction of one additional travel lane plus applicable right-of-way for eastbound West Broad Street adjoining the Property.

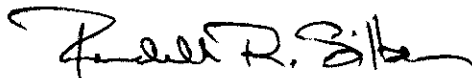
- f. Construction of an additional westbound off-ramp lane on West Broad Street within the existing right-of-way (i) coming from westbound I-64 to the existing westbound off-ramp lane on West Broad Street coming from eastbound I-64, and (ii) coming from eastbound I-64 to the existing entrance into Parcel 744-761-3043, each pursuant to the construction standards required by the County Traffic Engineer.
 - g. Should the intersection of Brookriver Drive and U.S. 250 be at a level of service F in the AM and PM peak hours in June, 2009, the developer agrees to either construct or pay to the County \$500,000 for the construction of an additional lane on the eastbound I-64 ramp or as otherwise agreed by the developer and the Director of Public Works so long as all such improvements do not exceed \$500,000. Any cash payment to the County not used for the purposes specified in this proffer within fifteen (15) years of such payment shall be returned to the payor.
24. **West Broad Street Buffer.** The West Broad Street Buffer shall be designed with a cohesive landscape planting plan, generally consistent with the plan attached hereto as Exhibit A, entitled "West Broad Streetscape and Buffer" (see case file) prepared by Higgins and Gerstenmaier and dated March 9, 2006, which is conceptual in nature and may vary in detail as otherwise requested and specifically permitted at the time of landscape plan approval for this buffer.
25. **Three Chopt Road Buffer.** A landscape plan for the Three Chopt Road buffer shall be submitted to the County for approval as part of the first plan of development request on the Property. 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 such plan of development, subject to limitations caused by weather and the future widening of Three Chopt Road. Such buffer shall, at a minimum, include the following plantings which shall be of the following size at planting: (i) deciduous shade trees shall be a minimum of four inches in caliper; (ii) flowering understory trees shall be a minimum of twelve feet in height; and (iii) evergreen trees shall be a minimum of twelve feet in height.
26. **Construction.** There shall be no open burning on the Property of dead plant growth (including, but not limited to, tree stumps), tires, discarded material, boxes or other construction material. The hours of exterior construction on the Property, including operation of bulldozers and other earthmoving equipment, shall be between 7:00 a.m. and 8:00 p.m., Monday through Saturday, except (a) in emergencies, (b) where unusual circumstances require extending the specific hours in order to complete work, such as concrete pours or utility connectors, or (c) construction of road improvements for or associated with John Rolfe Parkway or West Broad Street. Any construction contracts for the

initial construction of the buildings and for site work shall prohibit construction vehicles on the Property from traveling on Three Chopt Road between Pump Road and Church Road. Construction signs shall be conspicuously posted in English and Spanish about the permitted hours of construction and routes of construction traffic.

27. **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.

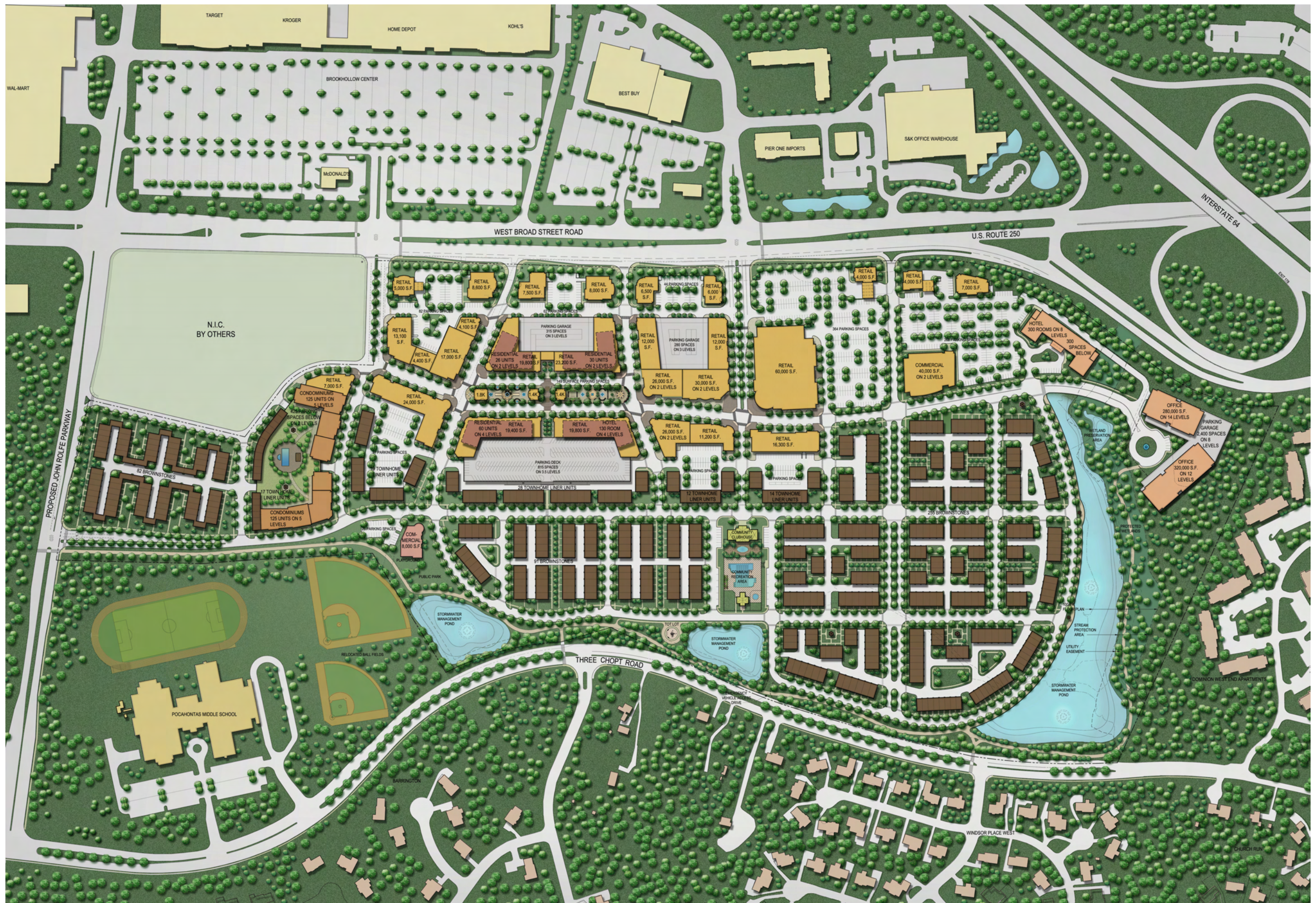
The Planning Department has been advised of the action of the Board of Supervisors and will revise its records and place a copy of the accepted proffered conditions in the Conditional Zoning Index.

Sincerely,



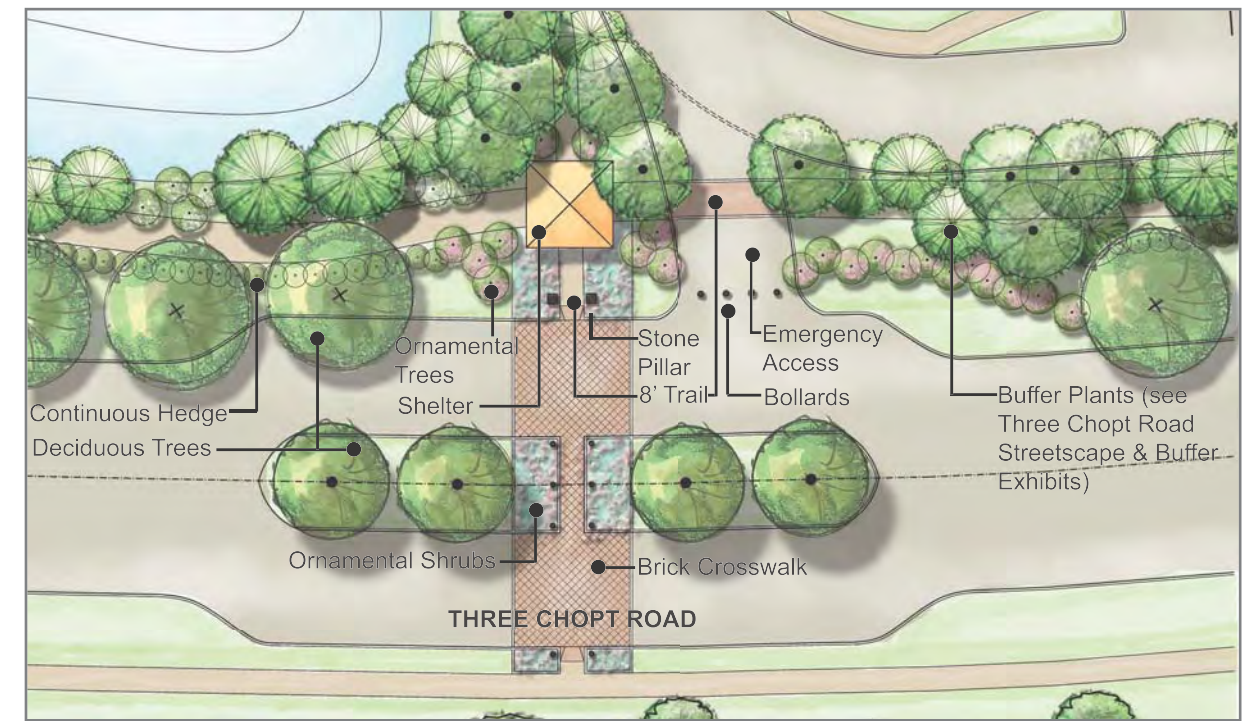
 Virgil R. Hazelett, P.E.
County Manager

pc: John J. and Ima M. Liesfeld Family, LLC
Short Pump Station, LLC
Henrico County School Board
Andrew M. Condlin, Williams and Mullen
Director, Real Estate Assessment
Conditional Zoning Index
Dr. Penny Blumenthal, Director, Research & Planning, Henrico County Schools



WEST BROAD VILLAGE HENRICO COUNTY, VIRGINIA

Masterplan



ELEVATION VIEW OF SITE ALONG THREE CHOPT ROAD

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 Disclaimer: This plan is conceptual in nature and is subject to change.