



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

February 20, 2007

The Rebkee Company
C/O Mr. Kevin McFadden
1020 Old Bon Air Road
Richmond, VA 23235

Re: Conditional Rezoning Case C-27C-06

Dear Mr. McFadden:

The Board of Supervisors at its meeting on February 13, 2007, granted your request to conditionally rezone from A-1 Agricultural District and B-3 Business District to RTHC Residential Townhouse District (Conditional), B-2C Business District (Conditional) and C-1C Conservation District (Conditional), Parcel 739-754-7156, containing 21.493 acres (RTHC – 12.252 ac.; B-2C – 8.502 ac.; C-1C – 0.739 ac.), located at the southwest intersection of Church and Pump Roads. described as follows:

B-2C Zoning - 8.502 Acres

Beginning at a point, marked P.O.B., said point being the intersection of the west line of Pump Road and the south line of Church Road; thence along the said west line of Pump Road the following six courses: along a curve to the left having a radius of 643.00', a length of 146.83', a Chord bearing of S 44°36'47" E and a Chord of 146.51' to a point; thence S 59°39'24" E, 83.53' to a point; thence S 57°31'07" E, 71.54' to a point; thence S 60°23'05" E, 100.00' to a point; thence S 64°00'13" E, 37.49' to a point; thence S 57°28'17" E, 257.21' to a point; thence leaving the said west line of Pump Road along a curve to the right having a radius of 644.07', a length of 319.34', a Chord bearing of S 52°31'19" W and a Chord of 316.08' to a point; thence along a curve to the right having a radius of 636.62', a length of 137.91', a Chord bearing of S 73°06'05" W and a Chord of 137.64' to a point; thence along a curve to the left having a radius of 716.20', a length of 174.17', a Chord bearing of S 72°20'26" W and a Chord of 173.75' to a point; thence along a curve to the left having a radius of 716.20', a length of 151.68', a Chord bearing of S 59°18'22" W and a Chord of 151.40' to a point; thence N 40°05'02" W, 160.12' to a point; thence N 25°10'48" W, 123.10' to a point; thence N 49°54'58" E, 187.11' to a point; thence N 25°10'48" W, 13.68' to a point; thence along a curve to the left having a radius of 500.00', a length of 99.69', a Chord bearing of N 52°56'52" W and a Chord 99.52' to a

point; thence along a curve to the right having a radius of 300.00', a length of 175.30', a Chord bearing of N 41°55'11" W and a Chord of 172.82' to a point; thence N 25°10'48" W, 62.99' to a point; thence N 23°03'23" W, 26.23' to a point on the south line of Church Road; thence along the said south line of Church Road the following four courses: N 67°34'08" E, 158.71' to a point; thence N 74°24'54" E, 50.06' to a point; thence N 69°29'36" E, 133.74' to a point; thence S 80°28'24" E, 35.86' to the point and place of beginning containing 8.502 acres.

RTHC Zoning - 8.238 Acres

Beginning at a point, marked P.O.B., said point being the intersection of the west line of Pump Road and the south line of Church Road; thence along the said west line of Pump Road the following six courses: along a curve to the left having a radius of 643.00', a length of 146.83', a Chord bearing of S 44°36'47" E and a Chord of 146.51' to a point; thence S 59°39'24" E, 83.53' to a point; thence S 57°31'07" E, 71.54' to a point; thence S 60°23'05" E, 100.00' to a point; thence S 64°00'13" E, 37.49' to a point; thence S 57°28'17" E, 257.21' to the true point and place of beginning; thence along the said west line of Pump Road the following two courses: S 57°28'17" E, 119.46' to a point; thence along a curve to the right having a radius of 716.20', a length of 164.87', a Chord bearing of S 50°52'39" E, and a Chord of 164.50' to a point; thence leaving the said west line of Pump Road S 43°06'08" W, 496.60' to a point; thence S 67°46'49" W, 469.73' to a point on the east line of Glen Eagles Drive; thence leaving the said east line of Glen Eagles Drive along the northern terminus of Glen Eagles Drive S 46°42' 53" W, 60.00' to a point on the west line of Glen Eagles Drive; thence leaving the said west line of Glen Eagles Drive along a curve to the left having a radius of 400.00', a length of 194.66', a Chord bearing of N 57°13'37" W and a Chord of 192.75' to a point; thence N 71°10'09" W, 83.04' to a point; thence along a curve to the left having a radius of 25.00', a length of 39.05', a Chord bearing of S 64°05'00" W and a Chord of 35.20' to a point on the east line of proposed John Rolfe Parkway; thence along the said east line of proposed John Rolfe Parkway along a curve to the left having a radius of 6290.45', a length of 109.57', a Chord bearing of N 18°49'53" E and a Chord of 109.57' to a point on the northern terminus of proposed John Rolfe Parkway; thence along the northern terminus of proposed John Rolfe Parkway N 71°40'03" W, 11.87' to a point; thence leaving the said northern terminus of proposed John Rolfe Parkway along a curve to the right having a radius of 716.20', a length of 229.50', a Chord bearing of N 44°03'32" E, and a Chord of 228.52' to a point; thence along a curve to the right having a radius of 716.20', a length of 151.68', a Chord bearing of N 59°18'22" E and a Chord of 151.40' to a point; thence along a curve to the right having a radius of 716.20', a length of 174.17', a Chord bearing of N 72°20'26" E and a Chord of 173.75' to a point; thence along a curve to the left having a radius of 636.62', a length of 137.91', a Chord bearing of N 73°06'05" E and a Chord of 137.64' to a point; thence along a curve to the left having a radius of 644.07', a length of 319.34', a Chord bearing of N 52°31'19" E, and a Chord of 316.08' to the true point and place of beginning containing 8.238 acres.

RTHC Zoning - 4.014 Acres

Beginning at a point, marked P.O.B., said point being the intersection of the west line of Pump Road and the south line of Church Road; thence along the said south line of Church Road the following four courses: N 80°28'24" W, 35.86' to a point; thence S 69°29'36" W, 133.74' to a point; thence S 74°24'54" W, 50.06' to a point; thence S 67°34'08" W, 158.71' to the true point and place of beginning; thence leaving the said south line of Church Road S 23°03'23" E, 26.23' to a point; thence S 25°10'48" E, 62.99' to a point; thence along a curve to the left having a radius of 300.00', a length of 175.30', a Chord bearing of S 41°55'11" E and a Chord of 172.82' to a point; thence along a curve to the right having a radius of 500.00', a length of 99.69', a Chord bearing of S 52°56'52" E and a Chord of 99.52' to a point; thence S 25°10'48" E, 13.68' to a point; thence S 49°54'58" W, 187.11' to a point; thence S 25°10'48" E, 123.10' to a point; thence S 40°05'02" E, 160.12' to a point; thence along a curve to the left having a radius of 716.20', a length of 229.50', a Chord bearing of S 44°03'32" W and a Chord of 228.52' to a point on the northern terminus of proposed John Rolfe Parkway; thence along the said northern terminus of proposed John Rolfe Parkway N 71°40'03" W, 7.70' to a point; thence leaving the said northern terminus of proposed John Rolfe Parkway N 55°17'42" W, 46.82' to a point; thence N 55°17'59" W, 109.31' to a point; thence along a curve to the right having a radius of 115.00', a length of 211.18', a Chord bearing of N 02°41'31" W and a Chord of 182.73' to a point; thence N 40°11'25" W, 120.43' to a point; thence N 07°21'53" E, 224.53' to a point; thence N 52°31'12" E, 15.86' to a point; thence N 03°38'17" E, 170.41' to a point on the south line of Church Road; thence along the said south line of Church Road N 67°34'08" E, 85.04' to the true point and place of beginning containing 4.014 acres.

C-1C Zoning - 0.739 Acre

Beginning at a point, marked P.O.B., said point being the intersection of the west line of Pump Road and the south line of Church Road; thence along the said south line of Church Road the following four courses: N 80°28'24" W, 35.86' to a point; thence S 69°29'36" W, 133.74' to a point; thence S 74°24'54" W, 50.06' to a point; thence S 67°34'08" W, 243.75' to a point; thence leaving the said south line of Church Road S 03°38'17" W, 170.41' to a point; thence S 52°31'12" W, 15.86' to a point; thence S 07°21'53" W, 224.53' to the true point and place of beginning; thence S 40°11'25" E, 120.43' to a point; thence along a curve to the left having a radius of 115.00', a length of 211.18', a Chord bearing of S 02°41'31" E and a Chord of 182.73' to a point; thence S 55°17'59" E, 109.31' to a point; thence S 55°17'42" E, 46.82' to a point on the northern terminus of proposed John Rolfe Parkway; thence along the said northern terminus of proposed John Rolfe Parkway the following three courses N 71°40'03" W, 20.43' to a point; thence along a curve to the right having a radius of 6250.45', a length of 3.92', a Chord bearing of S 18°21'01" W and a Chord of 3.92' to a point; thence N 71°37'56" W, 40.00' to a point on the north line of Glen Eagles Drive; thence leaving the said northern terminus of proposed John Rolfe Parkway along the said north line of Glen Eagles Drive

the following three courses: along a curve to the right having a radius of 25.00', a length of 39.47', a Chord bearing of S 63°36'06" W and a Chord of 35.50' to a point; thence N 71°10'09" W, 12.79' to a point; thence along a curve to the left having a radius of 325.00', a length of 168.45', a Chord bearing of N 86°01'03" W and a Chord of 166.57' to a point; thence leaving the said north line of Glen Eagles Drive N 10°35'17" E, 158.57' to a point; thence N 07°21'53" E, 193.92' to the true point and place of beginning containing 0.739 acre.

The Board of Supervisors accepted the following proffered conditions, dated, February 13, 2007, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

APPLICABLE TO ALL

1. **Pattern Book.** The Property shall be developed in general conformance with the illustrations and information set forth in "The Shire at Pump & Church, Richmond, Virginia" (the "Pattern Book") prepared by Carter & Burgess Inc., filed herewith, (see case file) which illustrations and information are conceptual in nature and may vary in detail, unless otherwise requested and specifically approved at the time of Plan of Development and/or subdivision review.
2. **Conceptual Landscape Plan/Conceptual Site Furnishings/Proposed Retail Design Criteria.** Landscaping of the Property shall be in substantial conformance with the conceptual landscape plans entitled "Landscape Residential Side" and "Landscape Commercial Side" prepared by Kimley-Horn Associates, Inc. attached hereto (the "Landscape Plan") (see case file), unless otherwise requested and specifically approved at the time of Plan of Development and/or subdivision review. Design features included in the development of the Property shall be in substantial conformance with the booklets entitled "Conceptual Site Furnishings" and "Proposed Retail Design Criteria" prepared by Carter & Burgess Inc. attached hereto (the "Design Features Plan") (see case file), which Design Features Plan is conceptual in nature and may vary in detail, unless otherwise requested and specifically approved at the time of Plan of Development.
3. **Hours of Construction.** The hours of exterior construction, including operation of bulldozers and other earthmoving equipment, shall only be between 7:00 a.m. and 7:00 p.m., Monday through 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 that cannot be interrupted. Signs, in both English and Spanish, stating the above-referenced provisions shall be posted and maintained at all entrances to the Property prior to any land disturbing activities thereon.
4. **Sidewalks/Pedestrian Accessways.** A pedestrian access system shall be provided connecting the major project areas of the development.

5. **Underground Utilities.** All utility lines on the Property shall be underground, except for junction boxes, meters, existing and/or relocated existing overhead utility lines and lines in wetland areas.
6. **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.

APPLICABLE TO B-2C ZONED PROPERTY
(THE "RETAIL PROPERTY")

7. **Elevations.** Any buildings developed on the Retail Property shall be in general conformance with the architectural appearance shown in the Pattern Book (see case file), 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 of such buildings, unless otherwise requested and specifically approved at the time of Plan of Development. The rear facades of buildings shall utilize substantially similar architectural design elements as are present on the building's entrance facade to the extent possible.
8. **Exterior Materials.** The exposed portion of each exterior wall surface (front, rear and sides) of any building (excluding rooftop screening materials for mechanical equipment) shall be similar to the exposed portions of other exterior walls of such building in architectural treatment and materials. Any building shall have exposed exterior walls (above finished grade and exclusive of trim) of brick, E.I.F.S., stone, split face block, cementitious, vinyl or composite-type siding, 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. Pitched roofs shall include standing seam metal roofing and architectural textured asphalt shingles. No building shall be covered with or have exposed to view any painted or unfinished concrete block.
9. **Parking Lot Lighting.** Parking lot lighting fixtures shall not exceed twenty (20) feet in height as measured from the grade at the base of the lighting standard, unless otherwise requested, described and specifically approved, or if required, at the time of Plan of Development. Lighting shall be directed to minimize glare on public roads and adjacent properties.
10. **Prohibited Uses.** The following uses shall be prohibited:
 - a. automotive filling and service stations including towing service;
 - b. convenience stores;
 - c. billiard, bagatelle, video game or a bingo parlor;
 - d. flea markets or antique auctions;

- e. billboards;
 - f. recycling facilities;
 - g. funeral homes, mortuaries, crematories and/or undertaking establishments;
 - h. dance halls;
 - i. truck stops;
 - J. gun shop, sales and repair;
 - k. hotels, motels and motor lodges;
 - l. parking garages or commercial parking lots;
 - m. sign painting shops;
 - n. communication towers, not to exclude, however, any concealed antennae array for communications if approved through the Provisional Use Permit process;
 - o. restaurants with drive-thru windows, not to exclude, however, restaurants with dedicated parking spaces for the pick-up of carry-out food, unless otherwise requested and specifically permitted at the time of Plan of Development;
 - p. car washes;
 - q. general hospitals, sanitoriums and charitable institutions for human care;
 - r. adult businesses as defined by Section 24-3 of the Henrico County Code;
 - s. 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);
 - t. bars, which, for purposes of this restriction, shall mean a business establishment whose primary business is the sale of alcoholic beverages for on-premises consumption. This restriction shall not prohibit the sale of alcoholic beverages in restaurants as licensed by the Virginia Department of Alcoholic Beverage Control;
 - u. attention-getting devices;
 - v. changeable message signs;
 - w. indoor recreation facilities,
 - x. radio/TV stations; and
 - y. recording studios.
11. **Outparcel Use.** The outparcel located in the southwest corner of the Retail Property may only be developed as a bank, credit union, savings and loan or small loan establishment, or as an office.
12. **Drive-Throughs.** The only drive-throughs permitted on the Retail Property shall be as an accessory use to a bank, credit union, savings and loan or small loan establishment, and/or drug store and shall not be permitted for more than two (2) establishments in the aggregate.

13. **Multiple Users.** The Retail Property shall in the aggregate contain multiple users rather than a single "big box" retailer. Each wing of the building at the corner of Church and Pump Roads shall have a minimum of two (2) or more users unless otherwise requested and specifically approved at the time of Plan of Development. Any drug store shall not exceed 14,400 square feet in size on the Retail Property, unless otherwise requested and specifically approved at the time of Plan of Development.
14. **Signage.** Any detached signs shall be ground mounted, monumental-type signs and shall not exceed ten (10) feet in height.
15. **Building Height.** Buildings shall not exceed thirty-five (35) feet in height on the Retail Property, exclusive of architectural treatments including, but not limited to, a clock tower and a dome over the proposed drug store space.
16. **Trash Receptacles/Recycling Activities.** Dumpsters, trash receptacles, not including convenience cans, and recycling receptacles shall be screened from public view with masonry enclosures compatible with the architectural design of the retail buildings at ground level at the Retail Property lines as approved at the time of Plan of Development. Convenience cans shall be within or part of a decorative container.
17. **Refuse Containers.** The gates and doors on the masonry refuse screens shall be of a substantial and durable material as determined at the time of Plan of Development. Support posts, gate frames, hinges and latches shall be of a sufficient size and strength to allow the gates to function without sagging or becoming a visual eyesore as determined at the time of Plan of Development. The number of refuse containers shall be adequate for the development as determined at the time of Plan of Development.
18. **Loading Docks.** There shall not be any loading docks on the Retail Property.
19. **Mechanical Equipment.** Mechanical equipment shall be screened from public view at ground level at the Retail Property lines as approved at the time of Plan of Development.
20. **Hours of Trash Pickup; Parking Lot Cleaning.** Trash pickup from the Retail Property shall be limited to the hours between 7:00 a.m. and 8:00 p.m. Monday through Friday and between 9:00 a.m. and 8:00 p.m. on Saturday. There shall be no trash pickup on Sundays. Parking lot cleaning on the Retail Property shall be limited to the hours between 6:00 a.m. and 9:00 p.m. Monday through Friday, exclusive of snow removal. There shall be no parking lot cleaning on Saturdays or Sundays, exclusive of snow removal.
21. **Service Road.** The service road behind the buildings near the corner of Pump and Church Roads shall be posted with signs limiting access to service vehicles only, as

approved by the Planning Commission at the time of Plan of Development. The entrances to such service road shall be delineated with striping and/or a speed hump to discourage non-service related traffic, unless otherwise requested and specifically approved at the time of Plan of Development.

APPLICABLE TO RTHC ZONED PROPERTY
(THE "TOWNHOUSE PROPERTY")

22. **Chimneys.** No chimneys or gas vent units shall be cantilevered. The exposed portions of all fireplace chimneys shall be of brick or a siding similar to the exterior treatment of the dwelling. This proffer shall not apply to direct vent gas fireplaces or appliances. The exposed bases of all chimneys shall be of the same material as the dwelling foundations.
23. **Foundations.** The exposed exterior portions of any exterior residence foundations shall be constructed of brick or stone.
24. **Garages.** All homes shall have a minimum of a one-car garage. A minimum of fifty (50) percent of the homes developed south of John Rolfe Parkway shall have rear-loading garages.
25. **Protective Covenants.** Prior to or concurrent with the recordation of the first subdivision plat or Plan of Development approved by the County and before the conveyance of any portion of the Townhouse Property covered by said subdivision plat or Plan of Development (other than for the dedication of easements, roads or utilities), a document shall be recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia, setting forth controls on the development and maintenance of such portions of the Townhouse Property.
26. **Street Lighting Standards.** Street lighting fixtures shall not exceed sixteen (16) feet in height above grade level. Street lighting shall be non-glare, decorative in style, and residential in character.
27. **Density/Units in a Row.** There shall be no more than seventy (70) units developed on the Townhouse Property. There shall be no more than six (6) townhouse units developed in a row.
28. **Road Certification.** Prior to the issuance of the first permanent certificate of occupancy, the Owner shall provide the Planning Office with certification from a licensed engineering firm that the roadways within the development were constructed according to the approved Plan of Development 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, but excluding road widths and turning radii.

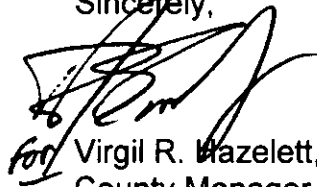
29. **Buffer/Fence.** A natural and/or landscaped buffer area a minimum of fifteen (15) feet in width shall be provided where adjacent to single-family lots to the south of the Townhouse Property south of John Rolfe Parkway, except to the extent necessary or allowed for utility easements that may pass through the buffer in a generally perpendicular manner (unless currently existing), fencing and other purposes requested and specifically approved, or if required, at the time of Plan of Development. A decorative "wrought iron-style" fence with brick columns shall be provided along the eastern, southern and western sides of the townhome community to be developed south of John Rolfe Parkway, such columns not to be spaced farther apart than sixty (60) feet.
30. **Exterior Materials.** At least fifty percent (50%) of all of the townhomes constructed shall have a minimum fifty percent (50%) brick and/or stone on their front elevation, as well as on any side of a unit which faces a public right-of-way. Various design elements will be incorporated to provide variety amongst individual units including, but not limited to, the following: varying colors of brick, brick accents (including, but not limited to, arches with or without keystones, soldier courses, quoin corners, and accent coloring different from any main brick coloring), varying colors of siding, varying window designs, and varying doorway designs.
31. **Detached Signage.** Any detached project identification signs shall be ground mounted, monolithic-type signs and if lit, shall be externally lit employing ground-mounted floodlight or spotlight-type fixtures directed toward such signs and away from public rights-of-way.
32. **Trash.** There shall be no central trash receptacles.
33. **Minimum Size.** The minimum size of all townhomes constructed on the Property shall be 2,000 square feet of finished floor area.
34. **Elevations.** Any buildings developed on the Townhouse Property shall be in general conformance with the architectural appearance shown in the Pattern Book (see case file), subject to final approval of the architectural style at time of Plan of Development.
35. **Sound Suppression Measures.** Sound suppression measures with at least a 55 sound coefficient rating shall be provided between units. 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.
36. **Fire Sprinkler System.** A fire sprinkler system shall be provided for all townhomes.

APPLICABLE TO C-1C ZONED PROPERTY

37. **Aerated BMP.** Any wet BMP shall be aerated.

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,

A handwritten signature in black ink, appearing to read "Virgil R. Wazelett", is written over the word "Sincerely,".

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

pc: James W. Theobald, Esquire
Director, Real Estate Assessment
Conditional Zoning Index
Dr. Martha G. Blumenthal, Director, Research and Planning

SITE SUMMARY

Retail - Approximately 60,845 sf of Retail located on 6.76 acres

Building Coverage - 18%

Bank - Approximately 2,500 sf of space located on 1.20 acres

Parking for Commercial - 269 spaces provided / 253 required

Residential I (South of John Rolfe)

Number of Units - 45 units

Project Area - 6.67 acres

*All internal roads and alleys are private

53% impervious

47% pervious

Residential 2 (North of John Rolfe)

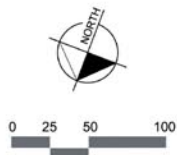
Number of Units - 25 units

Project Area - 3.66 acres

*All internal roads and alleys are private

42% impervious

58% pervious



11.27.2006
Revised 01-22-2007

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Architect/Designer/Planner:

Carter Burgess

Carter & Burgess Inc.
201 North Charles Street, 9th Floor
Baltimore, Maryland 21201
Tel: 410.727.6773 Fax: 410.727.6783

Civil/Landscape Architecture:



Kimley-Horn and Associates, Inc.
1500 Forest Ave., Suite 115
Richmond, Va. 23229
Tel: 804.673.3883



THE SHIRE
AT
PUMP & CHURCH
RICHMOND, VIRGINIA

Developer/Owner:

THE REBKEE COMPANY

The Rebkee Company
1020 Old Bon Air Road
Richmond, Virginia 23235
Tel: 804.560.0500