

Parcels or Portions thereof identified on this sheet are within the Airport Safety Overlay District and are subject to Special Regulation

C-8C-06
Zoning
Industrial Uses
Varina District
400 Feet
PS November 2005 Ref: 813-698-6173



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

February 21, 2006

Ramona Max Brown LLC, a Delaware LLC
C/O Lewis Henkind Company
2 Gannett Dr.
White Plains, NY 10604

Re: Conditional Rezoning Case C-8C-06

Dear Mr. Henkind:

The Board of Supervisors at its meeting on February 14, 2006, granted your request to conditionally rezone property from A-1, Agricultural District to M-1C Light Industrial District (Conditional) Parcels 813-698-4960 and 813-698-6173, described as follows:

Parcel A

All that certain parcel of real property containing 2.5 acres of land located in the Varina Magisterial District of Henrico County, Virginia, described on plat dated March 18, 1990, prepared by Ruffin P. Butler, C.L.S., entitled "Plat of Survey of a Parcel of Land Situated on the North Side of Miller Road, East of Yarnell Road, Varina District, Henrico County, Virginia" and being more particularly described as follows:

Beginning at a point on the north side of Miller Road approximately 828' east of the centerline of Yarnell Road, such point being the True Point of Beginning; thence leaving the northern right-of-way line of Miller Road N 30°49'19" W 588.99' to a rod; thence N 53°51'57" E 179.70' to a rod; thence S 30°49'19" E 624.29' to an axel on the northern right-of-way line of Miller Road; thence along the northern right-of-way line of Miller Road S 63°32'10" W 79.03' to a rod; thence S 66°22'47" W 100.92' to the True Point of Beginning.

Parcel B

All that certain parcel of real property containing 2.465 acres of land located in the Varina Magisterial District of Henrico County, Virginia, described on plat dated September 30, 1989, prepared by Ruffin P. Butler, C.L.S., entitled "Plat of Survey of Two Parcels of Land Situated on the North Side of Miller Road, East of Yarnell Road,

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Varina District, Henrico County, Virginia" and being more particularly described as follows:


Beginning at a point on the north side of Miller Road approximately 637.50' east of the centerline of Yarnell Road, such point being the True Point of Beginning; thence leaving the northern right-of-way line of Miller Road N 30°49'09" W 547.54' to a rod; thence N 53°51'57" E 189.78' to a rod; thence S 30°49'19" E 588.99' to a rod on the northern right-of-way line of Miller Road; thence along the northern right-of-way line of Miller Road S 66°22'47" W 190.50' to the True Point of Beginning.

The Board of Supervisors accepted the following proffered conditions, dated October 13, 2005, which further regulates the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

The proffers applicable to the parcel which was the subject of Case No. C-47C-97 (see case file) shall be applicable to the parcel submitted herewith so as to have the effect of revising the parcel description submitted with Case No. C-47C-97 as though such revised description had been a part of such Case and thereby bound by the proffers applicable thereto.

Please see enclosed proffers accepted with referenced case C-47C-97. 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: William L. Brothers
Faye A. Brothers
James W. Theobald
Director, Real Estate Assessment
Conditional Zoning Index

August 19, 1997

Re: Conditional Rezoning Case C-47C-97

Highwoods/Forsyth Limited Partnership,
a North Carolina Limited Partnership
Attention: Mr. Paul W. Kreckman
10900 Nuckols Road, Suite 250
Glen Allen, Virginia 23060

Gentlemen:

The Board of Supervisors at its meeting on August 13, 1997, granted your request to conditionally rezone property from A-1 Agricultural District to M-1C Light Industrial District (Conditional), Parcels 204-A-28 and 21B, described as follows:

Beginning at a point on the west line of Darbytown Road 106.52' from the intersection of the west line of Darbytown Road and the south line of Laburnum Avenue; thence along the west line of Darbytown Road N. 42° 12' 20" E., 8.00' to a point, thence S. 47° 47' 40" E., 220.00' to a point; thence S. 41° 49' 03" E., 612.05' to a point; thence leaving Darbytown Road S. 50° 45' 00" W., 500.02' to a point; thence S. 41° 31' 12" E., 420.00' to a point; thence N. 50° 45' 00" E., 148.13' to a point; thence S. 42° 37' 30" E., 472.00' to a point on the north line of Miller Road; thence along the north line of Miller Road; S. 56° 30' 03" W., 2085.75' to a point, thence leaving Miller Road N. 37° 56' 14" W., 624.29' to a point; thence N. 46° 45' 00" E., 270.30' to a point; thence N. 39° 45' 00" W., 544.50' to a point; thence S. 48° 45' 00" W., 59.10' to a point; thence N. 41° 15' 04" W., 398.31' to a point on the south line of Laburnum Avenue; thence with the south line of Laburnum Avenue N. 47° 11' 50" E., 1036.25' to a point; thence N. 51° 30' 00" E., 803.00' to a point; thence N. 55° 42' 20" E., 150.00' to a point; thence along a curve to the right with a radius of 135.00' and length of 180.37' to the point of beginning, and containing 80.75 acres

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

1. **Building Materials.** Exposed exterior wall surfaces of individual buildings shall be similar in architectural treatment and be constructed of split face block, tilt-up concrete, pre-cast concrete or brick (except for accent materials). Notwithstanding the foregoing, for any building within 200' of Laburnum Avenue or Darbytown Road, any wall facing Laburnum Avenue or Darbytown Road shall include brick and/or glass in substantial conformance with the architectural appearance of the elevations attached hereto as

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Attention: Mr. Paul W. Kreckman
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Exhibit "A" (See case file), unless otherwise requested and specifically approved by the Planning Commission at the time of Plan of Development review; the remaining walls may be of other permitted materials, provided that such remaining walls are similar to one another in architectural treatment. Buildings along Laburnum Avenue or Darbytown Road shall be compatible in architectural style.

2. **Buffers.**

- a. A landscaped and/or natural buffer area which may include berms shall be provided a minimum of fifty (50) feet in width around the perimeter of the Property, except to the extent necessary or allowed for entrance drives, utility easements, grading, drainage, Best Management Practice facilities, fencing and signage and other purposes requested and specifically permitted, or if required, by the Planning Commission at the time of Plan of Development review.
- b. The buffer along Miller Road shall contain a berm where adjacent to buildings, such berm being a minimum of ten (10) feet in height from the finished grade of the Property, along with supplemental plantings located on top of such berm.
- c. The aforesaid buffers shall not apply against any adjacent property if subsequently rezoned for industrial purposes.

3. **Setback.** No building or any portion thereof shall be constructed within:

- a. One hundred (100) feet of Laburnum Avenue;
- b. One hundred (100) feet of Darbytown Road;
- c. Seventy-five (75) feet of Miller Road; or
- d. Seventy-five (75) feet of the southern property line.

4. **Public Utilities.** The public water and waste water system shall be used. However, well water may be put to non-potable use such as irrigation.

5. **Loading and Parking.** There shall be no parking and/or loading areas between Miller Road and the rear of any building if such rear of any building is within three hundred (300) feet of Miller Road. With regard to any buildings along Laburnum Avenue or Darbytown Road, there shall be no loading areas between the face of such building and Laburnum Avenue or Darbytown Road.

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6. **Uses.** The uses of the Property shall be the uses permitted and as regulated by the M-1 District. Retail commercial uses first permitted in B-1, B-2 and B-3 Districts are excluded unless otherwise permitted in, and as regulated by, the Office/Service District.
7. **Detached Signage.** Any detached signs shall be ground-mounted, monumental-type signs, the base of which shall be landscaped.
8. **Enclosed Building Requirement.** All principal permitted light industrial uses shall be conducted within a completely enclosed building, which may be an office building or a separate, freestanding building used for industrial uses.
9. **Safe Conduct of Operations.** All light industrial uses shall be conducted so as not to create any danger to the health, safety and welfare or any material adverse impact on the Property or surrounding areas by creating any excessive noise, vibration, smoke, dust, lint, odor, heat or glare beyond the boundaries of the Property.
10. **Open Space.** At least twenty percent (20%) of the Property shall be used for permanent open space. The area devoted to the project perimeter buffering, wetlands, Best Management Practice facilities and flood plain, if any, may be counted toward this requirement.
11. **Parking Lot Lighting.** Parking lot lighting fixtures shall not exceed thirty (30) feet in height as measured from the grade of the base of the lighting standard unless otherwise requested and specifically approved, or if required by, the Planning Commission at the time of Plan of Development review. Parking lot lighting shall be produced from concealed sources of light (i.e. "shoe box" type or adjustable fixtures with positive cut-off angles).
12. **Underground Utilities.** Except for junction boxes, meters and existing overhead utility lines and wetlands, if any, all utility lines shall be underground.
13. **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.
14. **Access.** There shall be no direct vehicular access to and from the Property and Miller Road.
15. **Conceptual Master Plan.** A Conceptual Master Plan for the entire project shall be submitted with the first request for Plan of Development approval

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and shall be updated with each subsequent request for Plan of Development approval.

16. HVAC. Any rooftop heating and air conditioning equipment shall be screened from public view at ground level at the property lines by means of parapets or other architectural features in a manner approved by the Planning Commission at the time of Plan of Development review.
17. Security Alarms. No external alarm bells or external warning devices shall be permitted.

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,

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

 ANH:jt

cc: Director, Real Estate Assessment
Conditional Zoning Index
Ms. Ila Mae Adams
Mr. James W. Theobald, Esquire