

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

C-29C-07
Zoning
 Retail and Office Service
 Fairfield District
 400 Feet
 PS April 2007 Ref: 807-730-9116



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

January 29, 2008

Creighton & Laburnum, LLC
Attn: John Nolde
9830 Mayland Drive – Suite L
Richmond, VA 23233

Re: Conditional Rezoning Case C-29C-07

Dear Mr. Nolde:

The Board of Supervisors at its meeting on January 22, 2008, granted your request to conditionally rezone from A-1 Agricultural District, B-2C Business District (Conditional) and M-1C Light Industrial District (Conditional) to B-2C Business District (Conditional) and M-1C Light Industrial District (Conditional), Parcels 807-730-9116, 808-730-2377, 808-730-6309, 808-730-4825, 808-730-3946, 808-730-3162, and 808-730-6227, described as follows:

19.67 Acres to be Zoned M-1C

Beginning at a point on the north line of Creighton Road said point being situated approximately 408' west of Laburnum Avenue and being labeled P.O.B.; thence along said north line of Creighton Road S 86°47'10" W 78.59' to a point; thence along a curve to the left having a delta of 43°53'14", a radius of 285.44', a length of 218.64', a tangent of 115.00' and a chord of S 64°50'33" W 213.33' to a point; thence S 42°53'52" W 585.88' to a point; thence departing said north line of Creighton Road N 81°06'37" W 338.43' to a point; thence N 19°55'53" E 1069.82' to a point; thence N 67°47'10" E 233.91' to a point; thence N 22°30'58" W 345.97' to a point; thence N 21°45'24" E 495.60' to a point; thence S 21°37'55" E 477.44' to a point; thence S 22°28'55" E 69.65' to a point; thence S 20°54'57" E 181.50' to a point; thence along a non-tangent curve to the left having a delta of 25°10'35", a radius of 153.00', a length of 67.23', a tangent of 34.17' and a chord of S 14°12'26" W 66.69' to a point; thence S 00°42'03" E 179.06' to a point; thence along a curve to the left having a delta of 39°46'59", a radius of 228.00', a length of 158.31', a tangent of 82.50' and a chord of S 20°38'02" W 155.15' to a point; thence along a curve to the right having a delta of 37°18'42", a radius of 222.00', a length of 144.57', a tangent of 74.95' and a chord of S 21°52'11" E 142.03' to a point; thence S 03°12'50" E 203.99' to a point said point being the point and place of beginning and containing 19.67 acres.

7.37 Acres to be Zoned B-2C

Beginning at a point on the north line of Creighton Road said point being situated approximately 408' west of Laburnum Avenue and being labeled P.O.B.; thence departing said north line of Creighton Road N 03°12'50" E 203.99' to a point; thence along a curve to the left having a delta of 37°18'42", a radius of 222.00', a length of 144.57', a tangent of 74.95' and a chord of N 21°52'11" W 142.03' to a point; thence along a curve to the right having a delta of 39°46'59", a radius of 228.00', a length of 158.31', a tangent of 82.50' and a chord of N 20°38'02" W 155.15' to a point; thence N 00°42'03" W 179.06' to a point; thence along a curve to the right having a delta of 25°10'35", a radius of 153.00', a length of 67.23', a tangent of 34.17' and a chord of N 14°12'26" E 66.69' to a point; thence N 20°54'57" W 181.50' to a point; thence N 70°02'15" E 264.50' to a point; thence along the west line of Laburnum Avenue S 19°57'46" E 945.60' to a point; thence along a curve to the right having a delta of 17°23'59", a radius of 50.00', a length of 15.18', a tangent of 7.65' and a chord of S 11°15'04" E 15.13' to a point; thence departing Laburnum Avenue S 32°21'35" W 57.25' to a point; thence along a non-tangent curve to the right having a delta of 19°55'39", a radius of 50.00', a length of 17.39', a tangent of 8.78' and a chord of S 77°15'04" W 17.30' to a point; thence continuing along the north line of Creighton Road S 87°12'53" W 163.88' to a point; thence S 22°12'50" E 10.11' to a point; thence S 86°47'10" W 197.69' to a point said point being the point and place of beginning and containing 7.37 acres.

The Board of Supervisors accepted the following proffered conditions, dated January 22, 2008, 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. **Site Plan.** The Property shall be developed in general conformance with one of the following conceptual site plans depending upon the alignment of Creighton Road as determined by the County, unless otherwise requested and specifically approved at the time of Plan of Development: (a) "Stoney Run" prepared by Bay Design Group dated October 15, 2007 attached hereto as Exhibit A (see case file); or (b) the site plan dated January 22, 2008 attached hereto as Exhibit A-1 (see case file).
2. **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 approved at the time of Plan of Development. Except for decorative or period-style lighting fixtures or landscape lighting, parking lot lighting shall be produced from concealed sources.
3. **Underground Utilities.** Except for junction boxes, meters and existing overhead utility lines and technical or environmental reasons, all utility lines shall be underground.

4. **HVAC.** Heating and air conditioning equipment shall be screened from public view at ground level at the property lines in a manner approved at the time of Plan of Development.
5. **Central Trash Receptacles.** Dumpsters, trash receptacles, not including convenience cans and recycling receptacles, and compactors at ground level at the property lines shall be screened from public view with masonry enclosures which complement the architectural design of the buildings as approved at the time of Plan of Development. Convenience cans and/or recycling receptacles, if any, shall be within or part of a decorative container.
6. **Mechanical Equipment.** Mechanical equipment shall be screened from public view at ground level at the Property lines with enclosures compatible with the architectural design of the buildings as approved at the time of Plan of Development.
7. **Outside Speakers.** There shall be no outside speakers which may be heard beyond the boundaries of the Property.
8. **BMPs.** Any wet BMP shall be aerated.
9. **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.
10. **Conservation Areas.** Notwithstanding the uses permitted and regulated by the zoning of the Property, such portion(s) of the Property which lie within a one hundred (100) year flood plain (as determined by definitive engineering studies approved by the Department of Public Works, excluding those areas for which permits are issued allowing fill-in and development) may only be used for the following purposes:
 - a. Storm water management and/or retention areas.
 - b. Ponds, lakes and similar areas intended as aesthetic and/or recreational amenities and/or wildlife habitats.
 - c. Access drives, infrastructure, utilities, signage, walkways and recreational facilities installed in a manner to minimize their impacts.
 - d. Such additional uses to the uses identified in (a), (b) and (c) above as may be deemed compatible and of the same general character by the Planning Administrator (Director of Planning) pursuant to Chapters 19 and 24 of the Henrico County Code.

and the Owner shall, prior to Plan of Development approval, apply to rezone such portions of the Property within the flood plain, as are included within the Plan of Development or adjacent thereto, to a C-1 Conservation District.

11. **Buffer Area.** Landscaped buffer areas a minimum of twenty-five (25) feet in width shall be provided and maintained on the Property adjacent to the ultimate right-of-way line of Laburnum Avenue and the ultimate right-of-way line of Creighton Road (as such rights-of-way lines shall be determined by the Director of Public Works at the time of Plan of Development). Sidewalks, utility easements, turn lanes, signage, access drives and any other uses as requested and specifically permitted at the time of Plan of Development shall be permitted within such buffers, provided that any such access drives or utility easements (other than existing easements) shall be extended generally perpendicular to Laburnum Avenue and Creighton Road through such buffers, unless otherwise requested, and specifically approved, at the time of Plan of Development. Buffers along Laburnum Avenue and Creighton Road which contain turn lanes shall maintain at least ten (10) feet in width of green space and shall include supplemental landscaping as determined at the time of Landscape Plan Review.
12. **Sidewalks.** Subject to obtaining all required governmental approvals and permits, a sidewalk shall be provided along Laburnum Avenue to the southernmost entrance of the Property, and shall be constructed to current County road standards and specifications for sidewalks.
13. **Landscaping and Lighting Plan.** A landscaping and lighting plan for the development shall be filed at the time of Plan of Development.
14. **Roofs.** All buildings shall have mansard, gable, and/or hip-styled roofs, or the appearance of these sloped-type roofs, except that buildings adjacent to RPAs with the rear façade facing the western boundary line of the Property and which are not immediately adjacent to Creighton Road may exclude such roof treatments on the rear, unless and except as otherwise requested and specifically approved by the Planning Commission at the time of Plan of Development.
15. **Creighton Road Dedication.** The Owner, upon written request of the Director of Public Works, shall dedicate without cost to the County, the right-of-way over the Property for the proposed re-alignment of Creighton Road in the location as substantially shown on Exhibit A-1 (see case file). Should the dedicated property not be used for its intended purpose within thirty (30) years of the date of dedication, title to the dedicated property shall revert to the owner or its successors in interest.

APPLICABLE TO PROPERTY ZONED M-1C

16. **Use Restriction.** The M-1 zoned Property shall be used only for those uses permitted in an Office Service 2 District, as well as such uses as are customarily accessory and incidental thereto, and shall be regulated by Office Service 2 standards, regulations, and restrictions, except that the following shall not apply:
 - a. Section 24-50.33(f); and
 - b. Section 24-50.34(a)-(f).

17. **Loading Docks.** Service and delivery loading docks will be screened from view from the public roadways or any adjacent residential districts and treated with architectural elements or decorative fencing and/or evergreen landscaping to screen their visibility from the public roadways, as determined by the Director of Planning at the time of Plan of Development review.
18. **Signage; Attention-Getting Devices.** Detached signs will be monument-style signs not to exceed eight (8) feet in height and shall contain materials that are compatible with the exterior materials used on the buildings. No pole signs or inflatable or other attention-getting devices shall be permitted unless specifically requested and approved at the time of Plan of Development. No detached signs shall be lit internally.
19. **Exterior Materials/Elevations.** The exposed portion of each exterior wall surface (front, rear and sides) of any building (excluding rooftop screening materials for mechanical equipment) shall be complementary in architectural treatment and materials with the exposed portions of other exterior walls of such building. Any building shall have exposed exterior walls (above finished grade and exclusive of trim) primarily constructed of brick and glass, except that the rear exterior walls of buildings facing the western boundary line of the Property and adjacent to RPAs and which are not immediately adjacent to Creighton Road may be constructed primarily of brick and/or split face block, unless different architectural treatment and/or materials are requested and specifically approved by the Planning Commission at the time of Plan of Development. Accent materials for buildings may include E.I.F.S., stone, split face block, concrete tilt-up panels, cementitious, composite-type siding, or a combination of the foregoing, unless different architectural treatment and/or materials are requested and specifically approved by the Planning Commission at the time of Plan of Development. No building shall be covered with or have exposed to view any painted or unfinished concrete block. All buildings shall be complementary in design and materials with the elevations attached hereto as Exhibit B (see case file), unless otherwise requested and specifically approved by the Planning Commission at the time of Plan of Development.

APPLICABLE TO PROPERTY ZONED B-2C

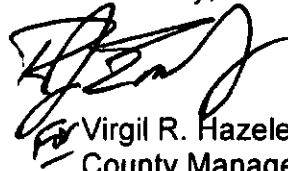
20. **Prohibited Uses.** The following uses shall be prohibited:
 - a. billiard, bagatelle, video game or a bingo parlor;
 - b. flea markets or antique auctions;
 - c. billboards;
 - d. recycling facilities;
 - e. funeral homes, mortuaries, crematories and/or undertaking establishments;
 - f. dance halls;
 - g. truck stops;
 - h. gun shop, sales and repair;
 - i. parking garages or commercial parking lots;
 - j. communication towers;

- k. adult business as defined in the Henrico County Zoning Ordinance;
 - l. 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);
 - m. 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;
 - n. off-track betting parlor;
 - o. private club, lodge, meeting hall or fraternal organization;
 - p. drapery making and furniture upholstery shop;
 - q. self-storage facility;
 - r. recreation facility, indoor, to include a theater, bowling alley, skating rink (ice skating and roller skating), swimming pool, tennis, model racing track, archery range, rifle or pistol range, and similar activities;
 - s. Massage parlors, not to include spa, massage and other therapeutic establishments where employees performing massages, if any, are all duly licensed massage therapists in the Commonwealth of Virginia.
21. **Building Height.** No building constructed on the B-2C zoned property shall exceed thirty-five (35) feet in height above grade to the top of the proposed structure (exclusive of architectural features), unless requested and specifically approved at the time of Plan of Development.
22. **Signage; Attention-Getting Devices.** Detached signs will be monument-style signs not to exceed eight (8) feet in height and shall contain materials that are compatible with the exterior materials used on the buildings. No pole signs or inflatable or other attention-getting devices shall be permitted unless specifically requested and approved at the time of Plan of Development.
23. **Exterior Materials/Elevations.** 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 and complementary with 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) primarily constructed of brick and glass, unless different materials are requested and specifically approved by the Planning Commission at the time of Plan of Development. Accent materials for buildings may include E.I.F.S., stone, split face block, concrete tilt-up panels, cementitious, 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. No building shall be covered with or have exposed to view any painted or unfinished concrete block. All buildings constructed on the

Property shall be complementary in design and materials with the elevation attached hereto as Exhibit C (see case file), unless otherwise requested and specifically approved by the Planning Commission at the time of Plan of Development.

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 "V. Hazelett", written over a horizontal line.

Virgil R. Hazelett, P.E.
County Manager

pc: James W. Theobald, Esq.
Caroline L. Nadal, Esq.
Director, Real Estate Assessment
Conditional Zoning Index



FILED: 06294ten-1
 DESIGNED: DLC
 CHECKED: DLC
 DATE: OCT. 15, 2007



PROJECT OFFICE:
 RICHMOND
 8415-A ATLEE COMMERCE BLDG.
 ASHLAND VA, 23009
 (804) 550-4850
 FAX: (804) 550-4857

OTHER OFFICES:

MIDDLE PENINSULA
 5500 PARKWAY DRIVE
 CLAYCESTER VA, 23091
 (804) 683-2903
 FAX: (804) 683-2906

NORTHERN NECK
 812 BAYVIEW DRIVE
 WHITE STONE VA, 22578
 (804) 438-8423
 FAX: (804) 438-8427

PROJECT:
 Stoney Run
 Fairfield District
 Henrico County, Virginia

SHEET:
 Concept Plan

SHEET NO:
 C1

JOB NO. 06294

EXHIBIT A

Scale: 1" = 60'

C-29C-07

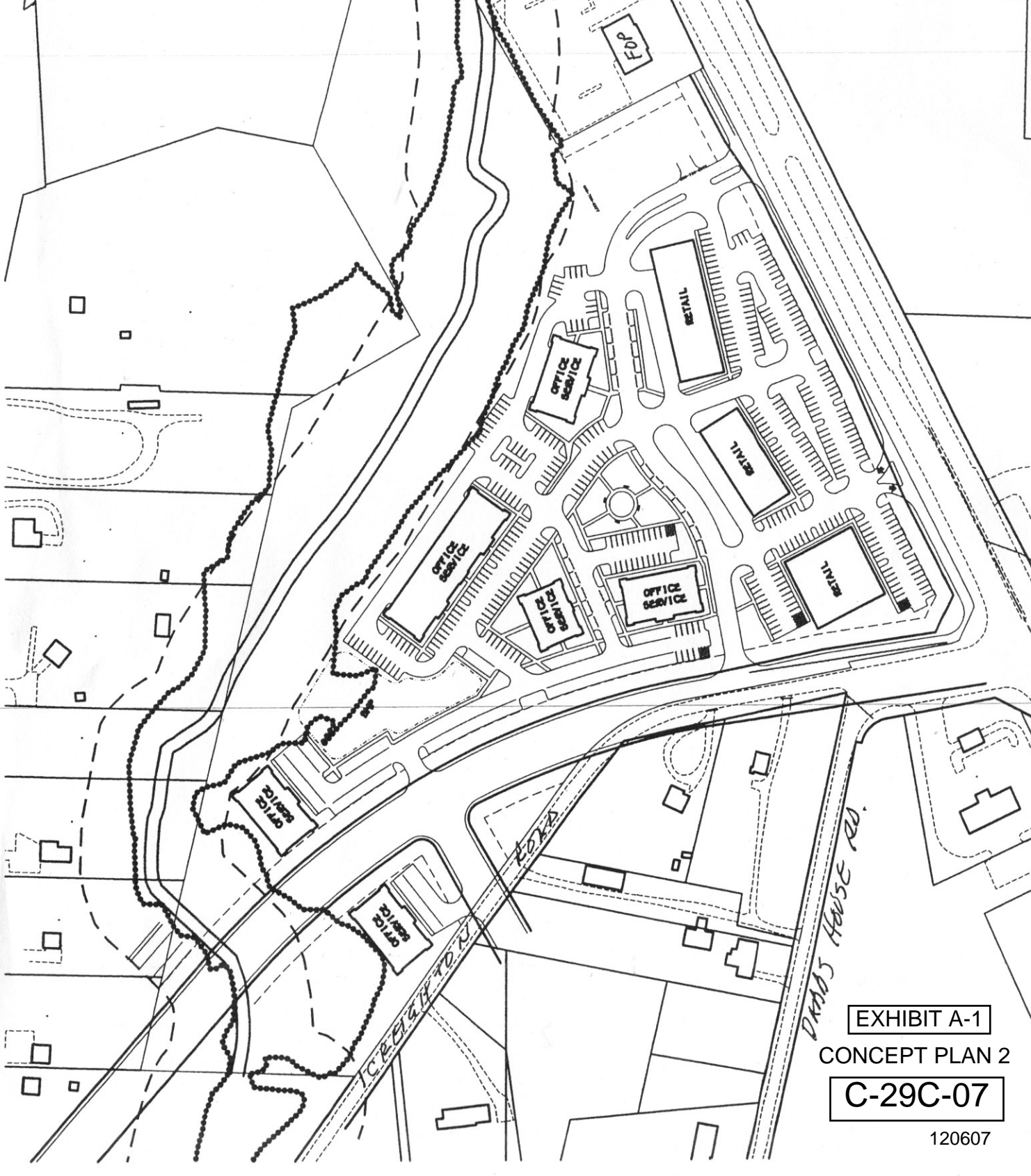
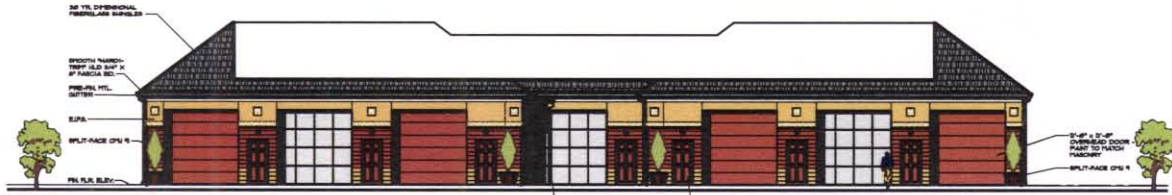


EXHIBIT A-1

CONCEPT PLAN 2

C-29C-07



REAR ELEVATION

SCALE: 1/8" = 1'-0"



LEFT SIDE ELEVATION

SCALE: 1/8" = 1'-0"



FRONT ELEVATION

SCALE: 1/8" = 1'-0"



RIGHT SIDE ELEVATION

SCALE: 1/8" = 1'-0"

**OFFICE / WAREHOUSE 'A' AT
STONEY RUN
HENRICO, VIRGINIA**



7228 FOREST AVENUE
SUITE 208
RICHMOND, VA 23228
TEL: (804) 282-8782
FAX: (804) 282-8267

EXHIBIT B

C-29C-07



REAR ELEVATION

SCALE: 1/8" = 1'-0"



LEFT SIDE ELEVATION

SCALE: 1/8" = 1'-0"



FRONT ELEVATION

SCALE: 1/8" = 1'-0"



RIGHT SIDE ELEVATION

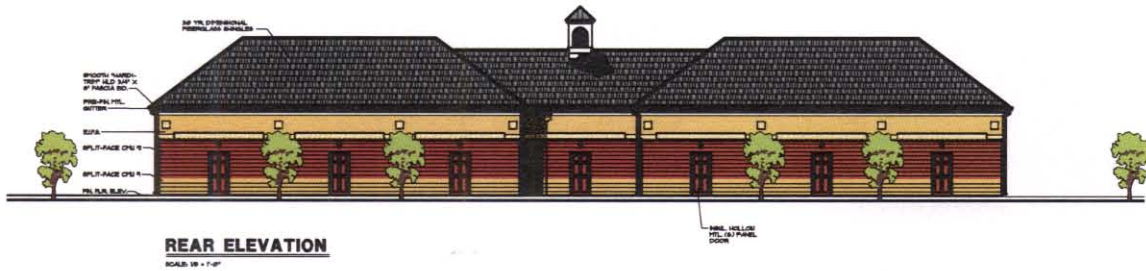
SCALE: 1/8" = 1'-0"

OFFICE / WAREHOUSE 'B' AT
STONEY RUN
 HENRICO, VIRGINIA

**FREEMAN
 MORGAN**
 architects

7228 FOREST AVENUE
 SUITE 200
 RICHMOND, VA 23226
 TEL: (804) 281-0700
 FAX: (804) 281-8587

EXHIBIT B
 C-29C-07



RETAIL AT
STONEY RUN
HENRICO, VIRGINIA

**FREEMAN
MORGAN**
architects

7239 FOREST AVENUE
SUITE 200
MCLEANS, VA 22101
TEL: (804) 383-8700
FAX: (804) 383-8287

EXHIBIT C

C-29C-07