



COMMONWEALTH OF VIRGINIA  
**COUNTY OF HENRICO**

Virgil R. Hazelett, P.E.  
County Manager

February 17, 2009

Parham Road Properties, LLC  
C/O Tom Kinter  
8100 Three Chopt Road, Suite 113  
Richmond, VA 23229

Re: Conditional Rezoning Case C-44C-07

Dear Mr. Kinter:

The Board of Supervisors at its meeting on February 10, 2009, granted your request to conditionally rezone from R-4 One-Family Residence District to O-2C Office District (Conditional), Parcels 783-756-0592, 782-756-7785, and 782-756-9285, described as follows:

**Legal Description (Parcel 5)**

Beginning at the true point of beginning at the intersection of the north line of Parham Road and the west line of Cleveland Street; thence along the north line of Parham Road the following three courses: S 73°56'17" W, 30.68' to a point; thence along a curve to the right having a radius of 1,382.38' a length of 260.75', a chord bearing N 55°56'35" W, and a chord of 260.36' to a point; thence N 50°32'28" W, 136.11' to a point; thence leaving the north line of Parham Road N 84°07'20" E, 366.18' to a point; thence N 8°26'40" W 137.67' to a point on the west line of Cleveland Street; thence along the west line of Cleveland Street the following six courses: S 34°08'33" E, 23.06' to a point; thence S 34°08'33" E, 74.17' to a point; thence along a curve to the right having a radius of 93.00', a length of 51.93', a chord bearing S 18°08'40" E, and a chord of 51.26' to a point; thence S 2°08'48" E, 48.74' to a point; thence along a curve to the right having a radius of 93.00', a length of 25.16', a chord bearing S 5°36'12" W, and a chord of 25.08' to a point; thence S 13°21'12" W 219.66' to the true Point of Beginning. containing 1.490 acres of land.

The Board of Supervisors accepted the following proffered conditions, dated February 5, 2009, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Conceptual Plan.** The property shall be developed generally consistent with one of the attached conceptual plans, each dated October 29, 2008: (a) entitled "Site

Exhibit A, Parham Road Properties, Henrico County, Virginia", and attached hereto as Exhibit A (see case file); or (b) entitled "Site Exhibit B, Parham Road Properties, Henrico County, Virginia", and attached hereto as Exhibit B (see case file); both of which conceptual plans are conceptual in nature and may vary in detail. The exact locations, footprints, configurations, sizes and details of the building(s), drives, roads and other improvements are illustrative and may be revised and updated from time to time for engineering or regulatory reasons or other reasons approved at the time of Plan of Development review. The property shown on such conceptual plans is intended to include that portion of Cleveland Street previously abandoned.

2. **Exterior Materials; Exterior Appearance.** The exposed exterior wall surfaces (above finished grade) shall consist of (a) brick, stone, and/or glass, or any combination thereof, as primary materials, (b) wood, architectural precast, EIFS, and/or stucco if applied to a masonry surface, or any combination thereof, as accent materials, if any, and (c) in either the case of primary or accent material, other aesthetically comparable finished materials approved by the Planning Commission at Plan of Development review. No building on the Property shall be covered with or have exposed to view any painted or unfinished concrete block, sheet or corrugated aluminum, iron and/or steel or other materials unless requested and specifically permitted at the time of Plan of Development review. The exterior elevations of any building on the Property shall be in substantial accordance with one of the elevations prepared by WLW Architect, each dated September 10, 2008: (a) entitled "Proposed 1 Story Office Elevation 'A', Parham Road Properties, Henrico County, Virginia" or (b) entitled "Proposed 2 Story Office Elevation 'B', Parham Road Properties, Henrico County, Virginia"; items (a) and (b) are attached hereto as Exhibit C (see case file). The color of brick on any building shall be similar to the color of the brick on the building currently located on the adjoining parcel with a GPIN of 782-756-7495, unless otherwise approved at the time of Plan of Development review.
3. **Site Coverage.** No more than seventy percent (70%) percent of the Property in the aggregate may be covered by buildings, parking areas and driveways.
4. **Limitation on Uses.** No funeral home, undertaking establishment or bank shall be permitted on the Property.
5. **Exterior Lighting.** Exterior lighting fixtures shall not exceed twenty-five feet in height as measured from the grade of the base of the lighting standard or from the finished grade of the building directly below such lighting fixture, as the case may be. Exterior light fixtures, other than low intensity decorative ornamental fixtures such as gas style lamps, shall be produced from concealed sources of light and shall be reduced to no more than a security level following the close of business operations each day. At no time shall the parking lot lighting exceed one-half (1/2) foot-candle beyond the boundary lines of the Property. All parking

lot lighting shall be positioned in such a manner as to minimize the impact of such lighting on any adjacent property.

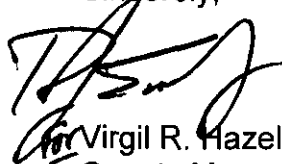
6. **Utility Lines.** Except for junction and access boxes, meters and existing overhead utility lines, all utility lines, including, without limitation, electric, telephone, CATV or other similar lines, shall be installed underground. All junction and access boxes and meters shall be screened from public view at ground level at the perimeter of the Property.
7. **Security Alarms.** Outside speakers shall be prohibited. No external alarm bells or external warning devices that are audible beyond the boundary lines of the Property shall be permitted on the Property.
8. **Detached Signage.** Any detached signs shall be monolithic style signs, the base of which shall be landscaped. No portable signs or signs with changeable copy shall be permitted on the site. Signs shall be lit by ground-mounted lighting and shall not be lit internally. No detached sign shall exceed a height of eight (8) feet, as measured from the base of the sign.
9. **Trash and Recycling Receptacle Areas.** All dumpsters, trash and recycling receptacles, (not including convenience cans), shall be screened from view at the boundary line of the Property by a masonry fence or wall (which may be a pre-cast panel masonry fence) to match the exterior of the buildings on the Property, or as otherwise approved at the time of Plan of Development review.
10. **HVAC Screening.** Any heating, ventilation and air conditioning equipment shall be screened from public view at ground level at the perimeter of the Property.
11. **Hours of Trash Pick-up, Parking Lot Cleaning.** Trash pick-up from the Property and parking lot cleaning shall be limited to the hours between 7:00 a.m. and 7:00 p.m., Monday through Friday, and between 9:00 a.m. and 7:00 p.m. on Saturday. There shall be no trash pick-up or parking lot cleaning on Sundays.
12. **Hours of Construction.** The hours of exterior construction, including operation of bulldozers and other earthmoving equipment, shall be between 7:00 a.m. and 8:00 p.m., Monday through Saturday and none on Sundays, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours or utility connectors.
13. **Building Height.** No building on the Property shall exceed forty (40) feet above the finished grade of the building at the front of the building.
14. **Buffers.** A minimum twenty foot (20') buffer shall be provided adjacent to Parham Road and Cleveland Street, and both buffers shall include landscaping with a minimum of transitional buffer 25, as referenced in the County Zoning Ordinance. A minimum of a ten foot (10') buffer shall be provided along the

northwestern boundary line of the Property. All buffers on the Property shall be subject to: (i) the removal of fallen, diseased or dead plant growth; and (ii) any access drive approved by and other revisions approved by the Planning Commission at the time of Plan of Development or Landscape Plan review. The Landscape Plan shall also include provisions for landscaping of parking areas and in other common areas of the project.

15. **Stormwater Drainage.** Any above ground or wet pond Best Management Practice (BMP) areas, if any, will be aerated and landscaped as approved by the Planning Commission at the time of Plan of Development review.
16. **Access to the Property.** Access to and from the Property shall be permitted only to and from Parham Road unless otherwise approved by the Planning Commission at the time of Plan of Development review.
17. **Severance.** The unenforceability, elimination, revision or amendment or any proffer set forth herein, in whole or in part, shall not affect the validity of enforceability of any 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: Andrew M. Condlin, Esquire  
Dr. Martha G. Blumenthal, Dir., Research & Planning, Henrico County Schools  
Director, Real Estate Assessment  
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