

**R-3, R-5, R-6C,
O-2, B-1, B-2C & M-1
to UMUC
79.50 Ac.**

C-5C-07
Zoning
 Urban Mixed-Use
 Brookland District
 400 Feet
 PS November 2006 Ref: 773-740-5043



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

February 20, 2007

Gumenick Properties
6000 West Broad Street, Suite 100
Richmond, VA 23230

Re: Conditional Rezoning Case C-5C-07

Dear Sir:

The Board of Supervisors at its meeting on February 13, 2007, granted your request to conditionally rezone from R-3 One-Family Residence District, R-5 General Residence District, R-6C General Residence District (Conditional), O-2 Office District, B-1 Business District, B-2C Business District (Conditional) and M-1 Light Industrial District to UMUC Urban Mixed Use District (Conditional), Parcels 773-741-3132, 773-741-2637, 773-741-4222, 773-741-3726, 773-741-6011, 773-741-7505, 773-741-5414, 773-741-6808, 773-741-8102, 773-739-8155, 773-740-5043, 773-740-9498, 773-740-8899, 774-739-3999, 774-739-4569, 774-739-5043, 774-740-0096, 774-740-3584, 774-740-2888, 774-740-2190, 774-740-4182, 774-740-0894, 774-740-1592, 772-740-1743, 772-740-1137, 772-740-0431, 772-740-2836, 772-740-4023, 772-740-2229 and 771-740-9118, described as follows:

Beginning at a point on the western right-of-way line of State Route 33 (Staples Mill Road) 236.60' south of the southern line of Bethlehem Road; thence along the western line of Staples Mill Road S 03°14'01" E, a distance of 325.01' to a point; thence along a curve to the left having a radius of 2919.75', a length of 310.93' and a delta angle of 06°06'05" to a point; thence S 80°39'54" W, a distance of 10.00' to a point; thence S 09°26'27" E, a distance of 10.86' to a point; thence S 71°01'47" E, a distance of 11.07' to a point; thence along a curve to the left having a radius of 2919.79', a length of 149.36' and a delta angle of 02°55'51" to a point; thence S 77°25'16" E, a distance of 11.00' to a point; thence S 12°41'20" E, a distance of 11.25' to a point; thence N 77°12'04" E, a distance of 11.00' to a point; thence along a curve to the left having a radius of 2919.79' a length of 503.29' and a delta angle of 09°52'34" to a point; thence S 22°40'31" E, a distance of 37.28' to a point; thence S 30°27'18" W, a distance of 25.00' to a point; thence S 22°40'31" E, a distance of 35'± to the former centerline of Jordan's Branch; thence along the former centerline of Jordan's Branch in the southwest direction as it

meanders 1,658'± to a point; thence N 45°16'39" W, a distance of 1,460'± from the former centerline of Jordan's Branch to a point; thence S 45°09'14" E, a distance of 91.92" to a point on the eastern right-of-way line of Spencer Road; thence along said right-of-way N 45°09'46" E, a distance of 134.23' to a point; thence along a curve to the right having a radius of 15.00', a length of 21.54' and a delta angle of 82°17'30" to a point on the southern line of Crestwood Avenue; thence along said right-of-way S 52°32'44" E, a distance of 59.05' to a point at the southeast intersection of Crestwood Avenue and Spencer Road; thence along the eastern right-of-way line of Spencer Road N 60°24'02" E, a distance of 80.02' to a point; thence N 37°43'46" E, a distance of 300.67' to a point; thence along a curve to the left having a radius of 524.37', a length of 157.90' and a delta angle of 17°15'10" to a point; thence N 20°28'36" E, a distance of 587.51' to a point; thence along a curve to the right having a radius of 160.75', a length of 122.82' and a delta angle of 43°46'35" to a point; thence N 64°15'11" E, a distance of 231.86' to a point; thence along a curve to the right having a radius of 25.00', a length of 34.13' and a delta angle of 78°13'13" to a point on the southern right-of-way line of Bethlehem Road; thence along said right of way being a curve to the left having a radius of 640.00', a length of 203.49' and a delta angle of 18°13'04" to a point; thence S 56°32'51" E, a distance of 109.33' to a point; thence along a curve to the left having a radius of 740.00', a length of 178.42' and a delta angle of 13°48'52" to a point; thence N 71°03'36" W, a distance of 786.70' to a point; thence leaving said right-of-way S 18°56'24" W, a distance of 80.00' to a point; thence S 03°19'36" E, a distance of 207.44' to a point; thence N 86°43'24" E, a distance of 124.78' back to the point of beginning. Said parcel contains 77.3± acres as shown on a plat by E. D. Lewis & Associates, P.C. dated September 11, 2006, and titled "Staples Mill Center Rezoning Plat."

Point of beginning being a point on the south right-of-way line of Crestwood Avenue 13.07' east of the southeast intersecting point of Crestwood Avenue and Libbie Avenue; thence along the southern line of Crestwood Avenue S 52°42'59" E, a distance of 242.29' to a point; thence along a curve to the right having a radius of 15.00', a length of 25.79' and a delta angle of 98°30'55" to a point on the western line of Spencer Road; thence along the western line of Spencer Road S 45°09'46" W to a point; thence leaving said right-of-way S 44°48'14" E a distance of 134.97' to a point; thence S 45°09'46" W, a distance of 396.68' to a point; thence N 44°47'27" W, a distance of 135.00' to a point on the eastern right-of-way line of Libbie Avenue; thence along said right-of-way line N 45°10'43" E, a distance of 529.39' to a point; thence along a curve to the right having a radius of 15.00', a length of 21.50' and a delta angle of 82°07'15" back to the point of beginning. Said parcel contains 2.2± acres as shown on a plat by E. D. Lewis & Associates, P.C. dated September 11, 2006, titled "Staples Mill Center Rezoning Plat."

The Board of Supervisors accepted the following proffered conditions, dated January 9, 2007, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Pattern Book.** The Property shall be developed in general conformance with the illustrations and information set forth in the "Staples Mill Centre Pattern Book" (the "Pattern Book") filed herewith (see case file), which illustrations and information are conceptual in nature and may vary in detail.
2. **Storm Water Management Facilities.** Any above-ground wet stormwater management facilities located on the Property shall be designed and utilized as a water feature amenity and/or designed and landscaped to make it an integral part of the development and shall be aerated.
3. **Overall Density.** There shall be no more than 2,090 residential units developed on the Property, of which no more than 1,096 may be rental units. In order to meet changing market demands, but subject to the foregoing limits, the Owner reserves the right to adjust upward (other than the number of rental units) and/or downward, the number of each type of unit.
4. **Road Certification.** Prior to the issuance of the first permanent certificate of occupancy, the Owner shall provide the Planning Department 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.
5. **Pedestrian Access.** A pedestrian access system shall be provided connecting the major project areas of the development with sidewalks being a minimum of four (4) feet in width.
6. **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 and improvements proposed for such land bay or portion of the land bay to the extent known;
 - b. a phasing schedule showing that adequate utilities and roadways 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 and improvements shown on each subdivision plan or Plan of Development within each land bay or portion of the land bay will be in general conformance with the Pattern Book (see case file), and proffered conditions of this rezoning request. The "Staples Mill Centre Master Plan" and the "Land Bay Master Plan" (see case file) for each land bay shall be updated with each subsequent submission.

7. **Restrictive Covenants/Homeowners' Association.** Prior to or concurrent with the recordation of the first subdivision plat and/or Plan of Development approved by the County and before the conveyance of any portion of the 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 Property. In addition, there shall be an Owners' Association(s) that shall be responsible for the enforcement of the restrictive covenants, including, but not limited to, maintenance of the common areas and limitations on the parking and storage of boats, RVs, campers and trailers.
8. **Road Improvements.** The improvements outlined in the letter of Monte Lewis, P.E. to Tim Foster, Henrico County Public Works, dated January 3, 2007 (see case file) shall be made by the developer of the Property as may be required by the Director of Public Works.
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 the other proffers or the unaffected part of any such proffer.
10. **Fences.** Any fences greater than forty-two (42) inches in height shall be constructed of finished masonry or constructed with a combination of masonry piers and aluminum, metal or cast iron pickets. No wooden stockade-type fences or chain link fences shall be permitted.
11. **Curb and Gutter.** Curb and gutter shall be used on all streets and shall be designed to meet the current County standard for either "roll top" curb and gutter which shall measure not less than three (3) feet from edge of pavement to back of curb, or six (6) inch standard curb and gutter.
12. **Burning on Site.** There shall be no burning of construction debris, materials or vegetation on the Property, except to provide warmth to workmen using drums not exceeding fifty-five (55) gallons.
13. **Satellite Dishes.** Satellite dishes larger than that permitted by Federal law without restriction (one meter in diameter) shall be prohibited on the Property.

APPLICABLE TO APARTMENT (RENTAL) DEVELOPMENT
BUILDINGS 1, 3, 4 AND 5

Pattern Book Pages 4.2 Through 4.5P & 4.10 Through 4.19P

14. **Square Footage.** Studio units shall be a minimum of four hundred fifty (450) square feet of finished floor area in size, one bedroom units shall be a minimum of six hundred (600) square feet of finished floor area in size, two bedroom units shall be a minimum of nine hundred (900) square feet of finished floor area in size, and three bedroom units shall be a minimum of one thousand two hundred (1,200) square feet of finished floor area in size.
15. **Architecture.** Buildings shall be in general conformance with the architectural styles displayed on Pages 4.2, 4.3, 4.10, 4.11, 4.14, 4.15, 4.17 and 4.18 of the Pattern Book (see case file), which illustrations and information are conceptual in nature and may vary in detail.
16. **Exterior Materials.** Buildings shall have exposed exterior front, rear and side walls (above finished grade) primarily of brick, glass, split face block, architectural precast concrete, cementitious or composite-type siding, stone, marble or granite, or a combination of the foregoing or other material(s) of similar quality. No building shall be covered with or have exposed to view any unadorned or unfinished concrete block.
17. **Building Height.** Buildings shall not exceed seventy-five (75) feet in height as measured consistent with the definition of "building height" as set forth in the Henrico County Zoning Ordinance.
18. **Parking.** Parking shall be provided in structured parking as shown in Building 1, Building 3, and/or surface style as such types of alternate parking are illustrated on Pages 4.2 and 4.10 of the Pattern Book (see case file).
19. **Sound Suppression.** Interior dwelling unit separation walls between units, floor/ceiling assemblies between units, and/or floor/ceiling assemblies between office/commercial and residential units in Buildings shall be designed to have a minimum sound transmission coefficient rating of 55 as evidenced by a cross-sectional detail, reviewed and approved by a certified architect or engineer as to the approved assembly accomplishing the sound coefficient rating, which shall be included in the building permit application.
20. **Retail Uses.** Restaurants located in Building 3 shall be open to the public only between the hours of 6:00 a.m. and 12:00 midnight Sunday through Wednesday and 5:00 a.m. and 1:00 a.m. Thursday, Friday and Saturday. Other permitted retail uses in Building 3 shall only be open to the public between the hours of 7:00 a.m. and 11:00 p.m., excluding use of the private clubhouse facilities or other amenities available to rental units or owner-occupied units which shall be limited

to between the hours of 5:00 a.m. and 12:00 midnight. Retail uses (excluding health clubs) shall only be located on the ground floor.

21. **Phasing of Rental Units.** No more than six hundred twenty-five (625) Certificates of Occupancy for rental units shall be issued prior to the issuance of one hundred (100) Certificates of Occupancy for owner-occupied homes. No more than an additional two hundred seventy-five (275) Certificates of Occupancy for rental units shall be issued prior to the issuance of an additional fifty (50) Certificates of Occupancy on a cumulative basis for owner-occupied homes.

APPLICABLE TO MULTIFAMILY (FOR SALE) CONDOMMUMS

BUILDINGS 2, 6, 7, 8, 9 AND 10

Pattern Book Pages 4.6 Through 4.9P, 4.20 Through 4.22P, and 4.13 Through 4.24P

22. **Building 2.**

- a. **Square Footage.** One (1) bedroom units shall be a minimum of seven hundred (700) square feet of finished floor area in size, two (2) bedroom units shall be a minimum of nine hundred (900) square feet of finished floor area in size and three (3) bedroom units shall be a minimum of one thousand (1,000) square feet of finished floor area in size.
- b. **Architecture.** Building 2 shall be in general conformance with the architectural styles displayed as shown on Pages 4.6 and 4.7 of the Pattern Book (see case file), which illustrations and information are conceptual in nature and may vary in detail.
- c. **Exterior Materials.** Building 2 shall have exposed exterior front, rear and side walls (above finished grade) primarily of brick, glass, split face block, architectural precast concrete, cementitious or composite-type siding, stone, or a combination of the foregoing or other material(s) of similar quality. No building shall be covered with or have exposed to view any unadorned or unfinished concrete block.
- d. **Building Height.** Building 2 shall not exceed seventy-five (75) feet in height as measured consistent with the definition of "building height" as set forth in the Henrico County Zoning Ordinance.
- e. **Parking.** Parking shall be provided in structured parking as shown in Building 1, Building 3, and/or surface style as such types of alternate parking are illustrated on Pages 4.2 and 4.10 of the Pattern Book (see case file).
- f. **Sound Suppression.** Interior dwelling unit separation walls between units, and floor/ceiling assemblies between units in Building 2 shall be designed to have a minimum sound transmission coefficient rating of 55 as

evidenced by a cross-sectional detail, reviewed and approved by a certified architect or engineer as to the approved assembly accomplishing the sound coefficient rating, which shall be included in the building permit application.

- g. **Retail Uses.** Restaurants located in Building 2 shall be open to the public only between the hours of 6:00 a.m. and 12:00 midnight Sunday through Wednesday and 5:00 a.m. and 1:00 a.m. Thursday, Friday and Saturday. Other permitted retail uses in Building 2 shall only be open to the public between the hours of 7:00 a.m. and 11:00 p.m., excluding use of the private clubhouse facilities or other amenities available to rental units or owner-occupied units which shall be limited to between the hours of 5:00 a.m. and 12:00 midnight. Retail uses (excluding health clubs) shall only be located on the ground floor.

23. **Buildings 6 and 7.**

- a. **Square Footage.** One (1) bedroom units shall be a minimum of seven hundred (700) square feet of finished floor area in size, two (2) bedroom units shall be a minimum of nine hundred (900) square feet of finished floor area in size and three (3) bedroom units shall be a minimum of one thousand (1,000) square feet of finished floor area in size.
- b. **Architecture.** Buildings 6 and 7 shall be in general conformance with the architectural styles displayed as shown on Pages 4.20 and 4.21 of the Pattern Book (see case file), which illustrations and information are conceptual in nature and may vary in detail.
- c. **Exterior Materials.** Buildings 6 and 7 shall have exposed exterior front, rear and side walls (above finished grade) primarily of brick, glass, split face block, architectural precast concrete, cementitious or composite-type siding, stone, or a combination of the foregoing or other material(s) of similar quality. No building shall be covered with or have exposed to view any unadorned or unfinished concrete block.
- d. **Building Height.** Buildings 6 and 7 shall not exceed one hundred seventy-five (175) feet in height as measured consistent with the definition of "building height" as set forth in the Henrico County Zoning Ordinance.
- e. **Parking.** Parking for Buildings 6 and 7 shall be provided as shown on Page 4.20 of the Pattern Book (see case file).
- f. **Sound Suppression.** Interior dwelling unit separation walls between units, floor/ceiling assemblies between units, and/or floor/ceiling assemblies between office/commercial and residential units in Buildings 6 and 7 shall be designed to have a minimum sound transmission coefficient rating of 55 as evidenced by a cross-sectional detail, reviewed and

approved by a certified architect or engineer as to the approved assembly accomplishing the sound coefficient rating, which shall be included in the building permit application.

- g. **Retail Uses.** Restaurants located in Building 6 shall be open to the public only between the hours of 6:00 a.m. and 12:00 midnight Sunday through Wednesday and 5:00 a.m. and 1:00 a.m. Thursday, Friday and Saturday. Other permitted retail uses in Building 6 shall only be open to the public between the hours of 7:00 a.m. and 11:00 p.m., excluding use of the private clubhouse facilities or other amenities available to rental units or owner-occupied units which shall be limited to between the hours of 5:00 a.m. and 12:00 midnight. Retail uses (excluding health clubs) shall only be located on the ground floor.

24. **Buildings 8, 9 and 10.**

- a. **Square Footage.** One (1) bedroom units shall be a minimum of seven hundred (700) square feet of finished floor area in size, two (2) bedroom units shall be a minimum of nine hundred (900) square feet of finished floor area in size and three (3) bedroom units shall be a minimum of one thousand (1,000) square feet of finished floor area in size.
- b. **Architecture.** Buildings 8, 9 and 10 shall be in general conformance with the architectural styles displayed as shown on Page 4.23 of the Pattern Book (see case file), which illustrations and information are conceptual in nature and may vary in detail.
- c. **Exterior Materials.** Buildings 8, 9 and 10 shall have exposed exterior front, rear and side walls (above finished grade) primarily of brick, glass, split face block, architectural precast concrete, cementitious or composite-type siding, stone, or a combination of the foregoing or other material(s) of similar quality. No building shall be covered with or have exposed to view any unadorned or unfinished concrete block.
- d. **Building Height.** Buildings 8, 9 and 10 shall not exceed sixty (60) feet in height as measured consistent with the definition of "building height" as set forth in the Henrico County Zoning Ordinance.
- e. **Parking.** Parking for Buildings 8, 9 and 10 shall be provided as shown on Page 4.23 of the Pattern Book (see case file).
- f. **Sound Suppression.** Interior dwelling unit separation walls between units, and floor/ceiling assemblies between units in Buildings 8, 9 and 10 shall be designed to have a minimum sound transmission coefficient rating of 55 as evidenced by a cross-sectional detail, reviewed and approved by a certified architect or engineer as to the approved assembly

accomplishing the sound coefficient rating, which shall be included in the building permit application.

APPLICABLE TO TOWNHOMES (FOR SALE)

Pattern Book Pages 4.25 Through 4.26P, 4.27 Through 4.28P,
4.29 Through 4.30P, and 4.31 Through 4.32P

25. Townhome Type A.

- a. **Square Footage.** Units shall be a minimum of one thousand three hundred (1,300) square feet of finished floor area in size.
- b. **Architecture.** Townhome A shall be in general conformance with the architectural styles displayed as shown on Pages 4.25 and 4.26 of the Pattern Book (see case file), which illustrations and information are conceptual in nature and may vary in detail.
- c. **Exterior Materials.** Townhome A shall have exposed exterior front, rear and side walls (above finished grade) primarily of brick, glass, split face block, architectural precast concrete, cementitious or composite-type siding, stone, or a combination of the foregoing or other material(s) of similar quality. No building shall be covered with or have exposed to view any unadorned or unfinished concrete block.
- d. **Building Height.** Townhome A shall not exceed fifty (50) feet in height as measured consistent with the definition of "building height" as set forth in the Henrico County Zoning Ordinance.
- e. **Parking.** Parking for Townhome A shall be provided as shown on Page 4.25 of the Pattern Book (see case file).
- f. **Sound Suppression.** Interior dwelling unit separation walls between units in Townhome A shall be designed to have a minimum sound transmission coefficient rating of 55 as evidenced by a cross-sectional detail, reviewed and approved by a certified architect or engineer as to the approved assembly accomplishing the sound coefficient rating, which shall be included in the building permit application.

26. Townhome Type B.

- a. **Square Footage.** Units shall be a minimum of one thousand eight hundred (1,800) square feet of finished floor area in size.
- b. **Architecture.** Townhome B shall be in general conformance with the architectural styles displayed as shown on Pages 4.27 and 4.28 of the Pattern Book (see case file), which illustrations and information are conceptual in nature and may vary in detail.

- c. **Exterior Materials.** Townhome B shall have exposed exterior front, rear and side walls (above finished grade) primarily of brick, glass, split face block, architectural precast concrete, cementitious or composite-type siding, stone, or a combination of the foregoing or other material(s) of similar quality. No building shall be covered with or have exposed to view any unadorned or unfinished concrete block.
- d. **Building Height.** Townhome B shall not exceed fifty (50) feet in height as measured consistent with the definition of "building height" as set forth in the Henrico County Zoning Ordinance.
- e. **Parking.** Parking for Townhome B shall be provided as shown on Page 4.27 of the Pattern Book (see case file).
- f. **Sound Suppression.** Interior dwelling unit separation walls between units in Townhome B shall be designed to have a minimum sound transmission coefficient rating of 55 as evidenced by a cross-sectional detail, reviewed and approved by a certified architect or engineer as to the approved assembly accomplishing the sound coefficient rating, which shall be included in the building permit application.

27. **Townhome Type C.**

- a. **Square Footage.** Units shall be a minimum of two thousand (2,000) square feet of finished floor area in size.
- b. **Architecture.** Townhome C shall be in general conformance with the architectural styles displayed as shown on Pages 4.29 and 4.30 of the Pattern Book (see case file), which illustrations and information are conceptual in nature and may vary in detail.
- c. **Exterior Materials.** Townhome C shall have exposed exterior front, rear and side walls (above finished grade) primarily of brick, glass, split face block, architectural precast concrete, cementitious or composite-type siding, stone, or a combination of the foregoing or other material(s) of similar quality. No building shall be covered with or have exposed to view any unadorned or unfinished concrete block.
- d. **Building Height.** Townhome C shall not exceed fifty (50) feet in height as measured consistent with the definition of "building height" as set forth in the Henrico County Zoning Ordinance.
- e. **Parking.** Parking for Townhome C shall be provided as shown on Page 4.29 of the Pattern Book (see case file).
- f. **Sound Suppression.** Interior dwelling unit separation walls between units in Townhome C shall be designed to have a minimum sound transmission

coefficient rating of 55 as evidenced by a cross-sectional detail, reviewed and approved by a certified architect or engineer as to the approved assembly accomplishing the sound coefficient rating, which shall be included in the building permit application.

28. **Townhome Type D.**

- a. **Square Footage.** Units shall be a minimum of two thousand two hundred (2,200) square feet of finished floor area in size.
- b. **Architecture.** Townhome D shall be in general conformance with the architectural styles displayed as shown on Pages 4.31 and 4.32 of the Pattern Book (see case file), which illustrations and information are conceptual in nature and may vary in detail.
- c. **Exterior Materials.** Townhome D shall have exposed exterior front, rear and side walls (above finished grade) primarily of brick, glass, split face block, architectural precast concrete, cementitious or composite-type siding, stone, or a combination of the foregoing or other material(s) of similar quality. No building shall be covered with or have exposed to view any unadorned or unfinished concrete block.
- d. **Building Height.** Townhome D shall not exceed fifty (50) feet in height as measured consistent with the definition of "building height" as set forth in the Henrico County Zoning Ordinance.
- e. **Parking.** Parking for Townhome D shall be provided as shown on Page 4.31 of the Pattern Book (see case file).
- f. **Sound Suppression.** Interior dwelling unit separation walls between units in Townhome D shall be designed to have a minimum sound transmission coefficient rating of 55 as evidenced by a cross-sectional detail, reviewed and approved by a certified architect or engineer as to the approved assembly accomplishing the sound coefficient rating, which shall be included in the building permit application.

APPLICABLE TO STACKED TOWNHOME-STYLE
(FOR SALE) CONDOMINIUMS (TYPE E.)
Pattern Book Pages 4.33 Through 4.34P

29. **Square Footage.** Units shall be a minimum of one thousand two hundred (1,200) square feet of finished floor area in size.

30. **Architecture.** Type E units shall be in general conformance with the architectural styles displayed in as shown on Pages 4.33 and 4.34 of the Pattern Book (see case file), which illustrations and information are conceptual in nature and may vary in detail.
31. **Exterior Materials.** Type E units shall have exposed exterior front, rear and side walls (above finished grade) primarily of brick, glass, split face block, architectural precast concrete, cementitious or composite-type siding, stone, or a combination of the foregoing or other material(s) of similar quality. No building shall be covered with or have exposed to view any unadorned or unfinished concrete block.
32. **Building Height.** Type E units shall not exceed fifty (50) feet in height as measured consistent with the definition of "building height" as set forth in the Henrico County Zoning Ordinance.
33. **Parking.** Parking for Type E units shall be provided as shown on Page 4.33 of the Pattern Book (see case file).
34. **Sound Suppression.** Interior dwelling unit separation walls between Type E units and floor/ceiling assemblies between Type E units shall be designed to have a minimum sound transmission coefficient rating of 55 as evidenced by a cross-sectional detail, reviewed and approved by a certified architect or engineer as to the approved assembly accomplishing the sound coefficient rating, which shall be included in the building permit application.

APPLICABLE TO SINGLE FAMILY HOMES (TYPE F)
Pattern Book Pages 4.35 Through 4.36P

35. **Square Footage.** Single family homes shall have a minimum of two thousand five hundred (2,500) square feet of finished floor area.
36. **Architecture.** Single family homes shall be in general conformance with the architectural styles displayed as shown on Pages 4.35 and 4.36 of the Pattern Book (see case file), which illustrations and information are conceptual in nature and may vary in detail.
37. **Exterior Materials.** Single family homes shall have exposed exterior front, rear and side walls (above finished grade) primarily of brick, glass, architectural precast concrete, cementitious or composite-type siding, stone, or a combination of the foregoing or other material(s) of similar quality. No building shall be covered with or have exposed to view any unadorned or unfinished concrete block. All homes utilizing all brick on the front elevation shall have the brick wrap at least twelve (12) inches around the corner of the side elevation.

38. **Building Height.** Single family homes shall not exceed thirty-five (35) feet in height as measured consistent with the definition of "building height" as set forth in the Henrico County Zoning Ordinance.
39. **Yards.** Front and side yards of single-family lots shall be sodded and irrigated.

APPLICABLE TO COMMUNITY BUILDING
Pattern Book Pages 4.37 and 4.37P

40. **Amenities.** A Community Building for use by homeowners shall be provided and include, at a minimum, a business center, meeting space and a swimming pool. The Community Building shall be constructed with the first phase of development.
41. **Square Footage.** The Community Building shall have a minimum of six thousand (6,000) square feet of finished floor area.
42. **Architecture.** The Community Building shall be in general conformance with the architectural style displayed on Page 4.42 of the Pattern Book (see case file), which illustrations and information are conceptual in nature and may vary in detail.
43. **Exterior Materials.** The Community Building shall have exposed exterior front, rear and side walls (above finished grade) primarily of brick, glass, architectural precast concrete, cementitious or composite-type siding, stone, or a combination of the foregoing or other material(s) of similar quality. No building shall be covered with or have exposed to view any unadorned or unfinished concrete block.

APPLICABLE TO COMMERCIAL/OFFICE DEVELOPMENT
Pattern Book Pages 4.38 Through 4.42P

44. **Prohibited Uses.** The following uses shall be prohibited on the Property:
 - a. animal hospital or veterinary clinics for small animals, dogs, cats, birds and the like;
 - b. automotive filing and service stations including towing service;
 - 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. sign painting shops;

- l. theaters;
 - m. communication towers;
 - n. general hospitals, sanitariums and charitable institutions for human care;
 - o. adult businesses as defined by Section 24-3 of the Henrico County Code;
 - p. 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.
 - q. 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);
 - r. restaurants with drive-thru windows, not to exclude, however, restaurants with dedicated parking spaces for the pick-up of carry-out food nor restaurants whose primary business is the sale of specialty coffees or other non-alcoholic beverages;
 - s. any second floors in the Commercial/Office buildings shall be limited to office use and/or health/fitness club-type use;
 - t. fuel pumps associated with permitted uses; and
 - u. hotels, motels and motor lodges.
45. **Architecture.** The buildings shall be in general conformance with the architectural styles displayed on Pages 4.39 and 4.40 of the Pattern Book (see case file), which illustrations and information are conceptual in nature and may vary in detail.
46. **Exterior Materials.** The buildings shall have exposed exterior front, rear and side walls (above finished grade) primarily of brick, glass, split face block, architectural precast concrete, cementitious or composite-type siding, stone, marble or granite, or a combination of the foregoing or other material(s) of similar quality. No building shall be covered with or have exposed to view any unadorned or unfinished concrete block.
47. **Grocery Store.** Any free-standing grocery store developed on the Property shall be located on a parcel adjacent to Staples Mill Road as generally shown on Page 4.38 of the Pattern Book (see case file).
48. **Outdoor Music.** Outdoor music shall not be permitted on the Property after 11:00 p.m.
49. **Hours of Operation.** Hours of operation to the public for any retail uses on the Property shall be limited to between the hours of 6:00 a.m. and 12:00 midnight;

however, for any restaurant hours of operation to the public may be 6:00 a.m. to 12:00 midnight, Sunday through Wednesday, and 5:00 a.m. and 1:00 a.m. Thursday, Friday and Saturday.

50. **Restaurant Ventilation.** The developer shall install an adequate restaurant ventilating and exhaust system to minimize smoke, odors, and grease vapors. The plans and specifications shall be included with the building permit application for review and approval. If, in the opinion of the County, the type system provided is not effective, the Planning Commission retains the rights to review and direct the type of system to be used.

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,

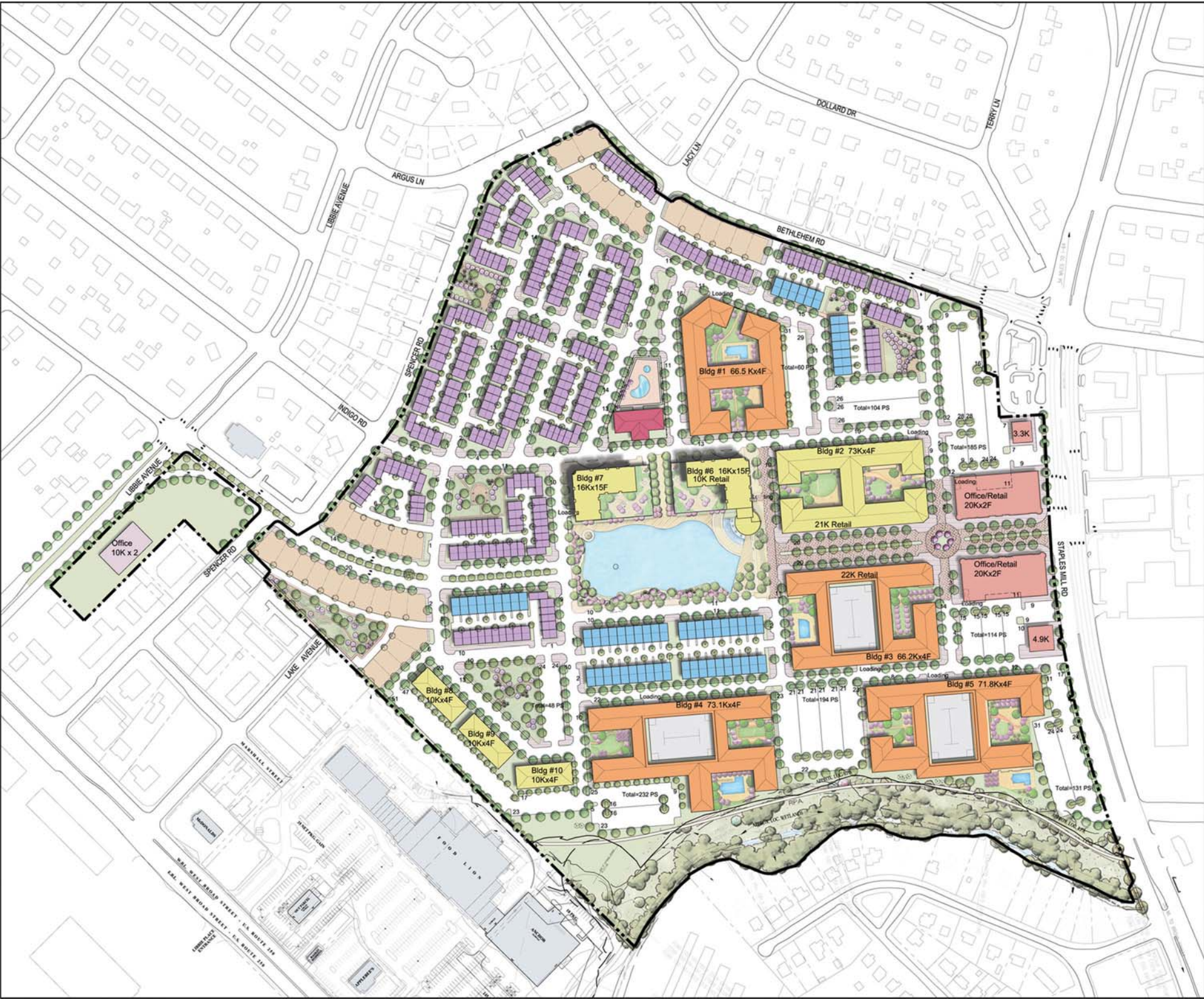


Virgil R. Hazelett, P.E.
County Manager

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

PLATE 12, FIG 1

LEGEND		
	Retail / Office	
	Community Bldg	
	Apartment	1,096 Units
	Multi-Family Condo	571 Units
	Townhouse	267 Units
	Stacked Townhomes	124 Units
	Single-Family	32 Units
	Total	2,090 Units



C-5C-07