

A-1 to O-2C
2.172 Ac.

C-62C-07
Zoning
 Office
 Tuckahoe District
 400 Feet
 PS October 2007 Ref: 749-754-7268



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

January 29, 2008

Katherman Investments Inc.
c/o Mr. B. K. Katherman
2331 A Robious Station Circle
Midlothian, VA 23113

Re: Conditional Rezoning Case C-62C-07

Dear Mr. Katherman:

The Board of Supervisors at its meeting on January 22, 2008, granted your request to conditionally rezone from A-1 Agricultural District to O-2C Office District (Conditional), Parcels 749-754-7958 and 749-754-7268, described as follows:

Parcel: 749-754-7958

BEGINNING at a monument found at the southwest corner of the intersection of Three Chopt Road and Gaskins Road; thence S 01°28'51" E, a distance of 41.52 feet to a rod set; thence, along Gaskins Road the following two courses: southwesterly, on a curve to the right having a radius of 3,768.72 feet, through a central angle of 1°54'33", a distance of 125.58 feet (chord bears S 42°51'49" W, 125.57 feet) to a monument found; thence, S 43°49'09" W, a distance of 78.70 feet to a rod set; thence, along property now or formerly of Kennedy, the following three courses: N 44°50'34" W, a distance of 120.26 feet to a rod found; thence S 64°50'06" W, a distance of 46.64 feet to a rod found; thence, N 24°20'10" W, a distance of 129.94 feet to a rod found; thence, along property now or formerly of Francis the following two courses; N 64°49'21" E, a distance of 296.09 feet to a rod set; thence, N 46°23'21" E, a distance of 4.01 feet to a rod set in the southeasterly right-of-way line of Three Chopt Road; thence, along said right-of-way, the following three courses: S 24°36'48" E, a distance of 15.78 feet to a rod set; thence, southeasterly, on a curve to the left having a radius of 1949.55 feet, through a central angle of 3°23'42", a distance of 115.52 feet (chord bears S 26°13'10" E, 115.50 feet) to a rod set; thence S 64°50'06" W, a distance of 10.01 feet to the PLACE and POINT of BEGINNING containing 1.291 acres or 56,237 square feet.

Parcel: 749-754-7268

Beginning at a point on the west line of Three Chopt Road 157.53 feet from the intersection of Three Chopt Road Extended and Gaskins Road Extended; thence departing the west line of Three Chopt Road S 46°23'21" W, 4.01 feet to a point; thence S 64°49'21" W 395.45 feet to a point; thence N 42°44'36" W, 30.21 feet to a point; thence N 47°07'07" E 430.31 feet to a point on the west line of Three Chopt Road; thence along and following the west line of Three Chopt Road S 24°36'48' E 158.40 feet to a point, said point being the Point Of Beginning, containing 38,368.4 square feet or 0.881 acre of land.

The Board of Supervisors accepted the following proffered conditions, dated December 6, 2007, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Exception.** Proffers 4, 6, 7, 8, 9 and 11 are not applicable to the existing structure and outbuildings on the Property for a period of six (6) years and thirty (30) days from the date of final rezoning approval by the Board of Supervisors.
2. **Use Prohibitions.** Establishments whose 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, credit unions, savings and loans or similar institutions that are not regulated by the foregoing Virginia Code Sections), daycare, schools, and funeral homes shall be prohibited. Drive through services, accessory to any permitted use, shall be prohibited.
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. **Trash Enclosures.** Enclosure areas for any dumpsters on the Property shall be constructed of brick on three (3) sides that is complementary to that which is utilized in the primary building. The fourth side shall be gated with an opaque material other than wood. The location of any enclosures for dumpsters shall be determined at the time of Plan of Development.
5. **Parking Lot Lighting.** Parking lot lighting shall be produced from concealed sources of light. Parking lot lighting shall not exceed twenty (20) feet in height as measured from grade and shall be positioned in such a manner as to minimize the impact of such lighting offsite.
6. **Building Height.** Except for the proposed building at the corner of Three Chopt and Gaskins Roads, which shall not exceed thirty-five (35) feet in height, exclusive of architectural design features permitted in Section 24-95(a)(1) of the Henrico County Zoning Ordinance, other building(s) constructed on the Property shall not

exceed twenty (20) feet in height, exclusive of architectural design features permitted in Section 24-95(a)(1) of the Henrico County Zoning Ordinance.

7. Buffers.

- a. **Three Chopt Road and Gaskins Road:** A buffer a minimum of thirty-five (35) feet in width, which is landscaped and/or contains existing vegetation in such a manner to visually screen any parking and/or service areas, shall be provided along Gaskins Road and Three Chopt Road as measured from the ultimate right-of-way. The buffer shall be planted with trees and shrubs required in the Henrico County Zoning Ordinance for a transitional buffer 25. In the event that grading and/or construction requires the removal of existing trees in this thirty-five (35) foot buffer, supplemental plantings shall be made to maintain the transitional buffer 25 requirements. Stormwater/BMP facilities shall not be permitted within said buffer unless located underground.
- b. **Internal Landscaping:** Internal landscaping shall generally conform to that shown on the Conceptual Plan as hereinafter defined and shall meet a twenty-five (25) percent canopy coverage. This landscaping is subject to review and approval at the time of Landscape Plan approval. All landscaped areas shall be irrigated.
- c. **Preservation of Trees within Wetlands:** Trees shall be preserved within the wetland areas except for roads and utility easements which may pass through the wetlands in a generally perpendicular manner (unless currently existing). Other uses, as may be required or permitted at the time of Plan of Development, may also pass through the wetlands (i.e. Recreation areas).
- d. **Notwithstanding Proffer 7.a. above,** where buffers include trees with a diameter of four (4) inches or greater, such trees shall be preserved except to allow for roads and utility easements which may pass through the buffers in a generally perpendicular manner (unless currently existing). Other uses as may be required or permitted at the time of Plan of Development may also pass through the buffers. Where permitted or practicable, areas disturbed for the placement of utilities within the buffer areas shall be restored. Existing vegetation and underbrush, fallen, diseased or dead plant growth may be removed from such buffer areas, and if so removed, additional plantings shall be added.

8. **Conceptual Plan.** Unless otherwise approved at the time of Plan of Development, the office development shall be developed in substantial conformance with the Conceptual Plan prepared by Balzer & Associates, Inc. entitled "Gaskins Schematic Layout Tuckahoe District Henrico County, Virginia" dated July 23, 2007 (see case file).

9. **Architecture.** Unless otherwise approved at the time of Plan of Development, the one-story buildings shall be substantially in conformance with the elevations attached hereto as "Exhibit B" (see case file), and any two-story building shall be substantially in conformance with the elevations attached hereto as "Exhibit A" (see case file). The exposed portion of each exterior wall surface (front, rear and sides) of any building (excluding rooftop screening materials for mechanical equipment) shall be mainly brick with columns and decorative features in alternate materials such as E.I.F.S., vinyl, wood, etc., and excluding windows, doors, breezeways, and other architectural design features.
10. **Signage.** Any detached signs on the Property shall be ground mounted, monolithic-type signs. Such signs shall not exceed six (6) feet in height as measured from the grade of the adjacent street level and shall be externally lit employing ground-mounted floodlight or spotlight-type fixtures directed toward such signs and away from public rights-of-way. Attached signs on the Property shall be externally lit and shall consist of individual letters and/or logos. Cabinet signs shall be prohibited. No portable and/or changeable copy signage shall be permitted on-site.
11. **Utility Equipment.** Roof top and ground level mechanical equipment and utility boxes shall be screened from public view and designed to be perceived as an integral part of the building and shall not be visible from Gaskins Road or Three Chopt Road as determined at the time of Plan of Development. Any utility meters and/or boxes attached to any building and facing Gaskins Road or Three Chopt Road shall be screened from public view as determined at the time of Landscape Plan Review.
12. **Sidewalk.** A sidewalk shall be provided along Gaskins Road and Three Chopt Road and shall meet Henrico County standards. Such sidewalk shall not be located within the 35' buffer provided for in Proffer 7.a. and shall be within the right-of-way.
13. **BMP.** If the stormwater management pond is a wet pond, it shall be designed to include a water feature, such as a fountain or aeration system that shall mitigate mosquito breeding. In any case, any stormwater management pond located on the property shall be landscaped as approved at the time of Plan of Development on the Property. Stormwater/BMP facilities shall not be permitted within road frontage buffers unless located underground.
14. **Burning.** During the period of construction on the Property, there shall be no burning of natural materials or construction debris.
15. **No Access.** Except as provided herein, there shall be no direct vehicular access to and from the Property from Three Chopt Road or Gaskins Road. Vehicular access to and from the Property shall be through the development which was the subject of Case No. C-33C-03. The existing access to the Property on Three Chopt Road

shall be closed upon access being provided through the development which was the subject of Case No. C-33C-03.

16. **Severance**. The unenforceability, elimination, revision or amendment of any proffer set forth herein, all or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.
17. **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 disturbance activities thereon.
18. **Plan of Development Application**. An application for a Plan of Development which includes the existing structure and outbuildings shall be filed within six (6) months from the date of final rezoning approval by the Board of Supervisors.

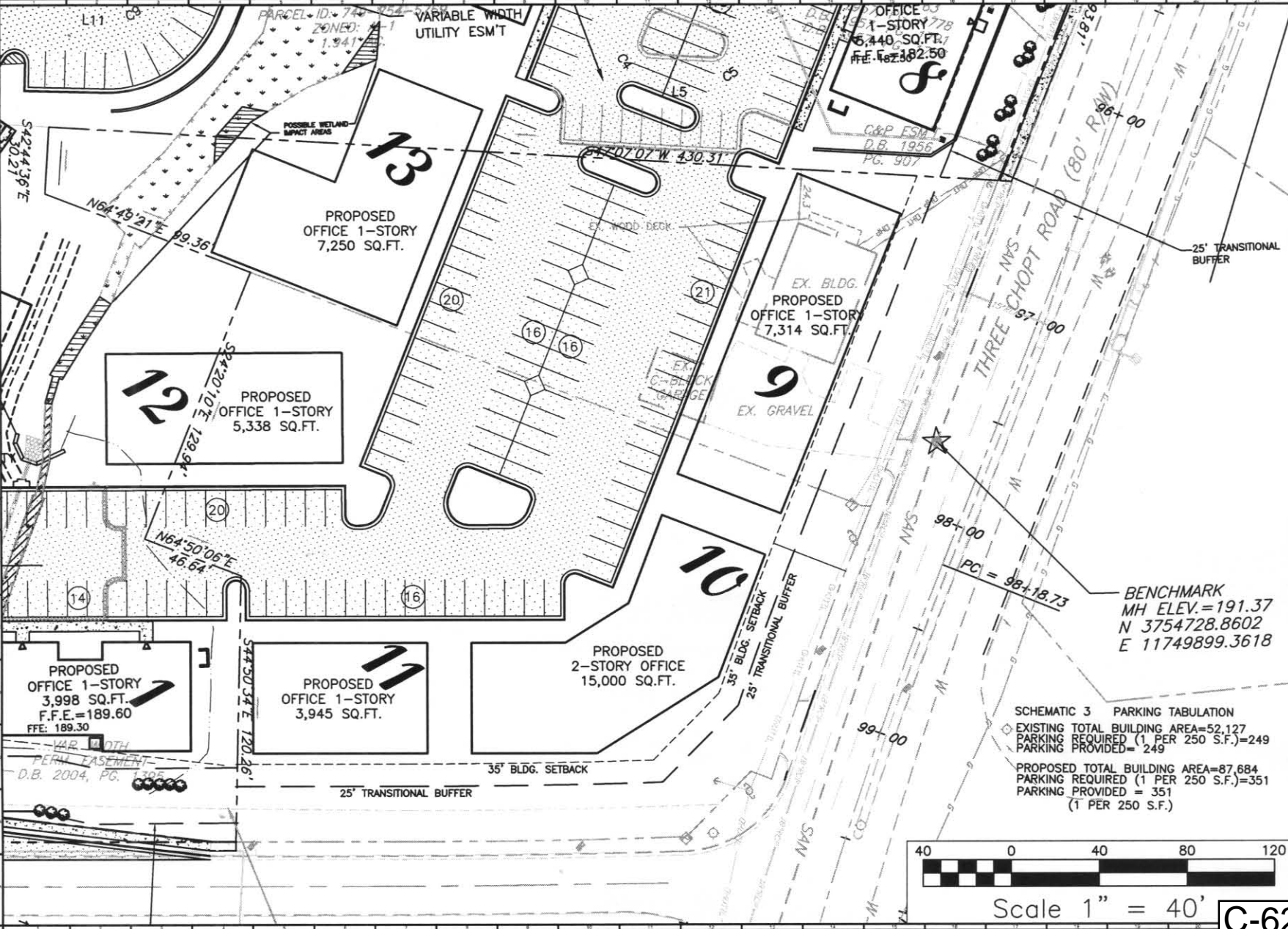
The Planning Department has been advised of the action of the Board of Supervisors and will revise its records and place a copy of the accepted proffered conditions in the Conditional Zoning Index.

Sincerely,



Virgil R. Hazelett, P.E.
County Manager

pc: Wright Properties, Inc.
James W. Theobald, Esq.
Paul Johnson, Community Revitalization
Jon Gwaltney, Community Revitalization
Director, Real Estate Assessment
Conditional Zoning Index



BAITZER
ARCHITECTS
PLANNERS • ARCHITECTS
ENGINEERS • SURVEYORS

501 Branchway Road
Richmond, Virginia 23226
Phone: 804/794-0277
FAX: 804/794-2535

1978 Virginia State
Professional Engineer
License No. 12000
1978 Virginia State
Professional Surveyor
License No. 12000

1982 Virginia State
Professional Engineer
License No. 12000
1982 Virginia State
Professional Surveyor
License No. 12000

1987 Virginia State
Professional Engineer
License No. 12000
1987 Virginia State
Professional Surveyor
License No. 12000

GASKINS
SCHEMATIC LAYOUT
TUCKAHOE DISTRICT
HENRICO COUNTY, VIRGINIA

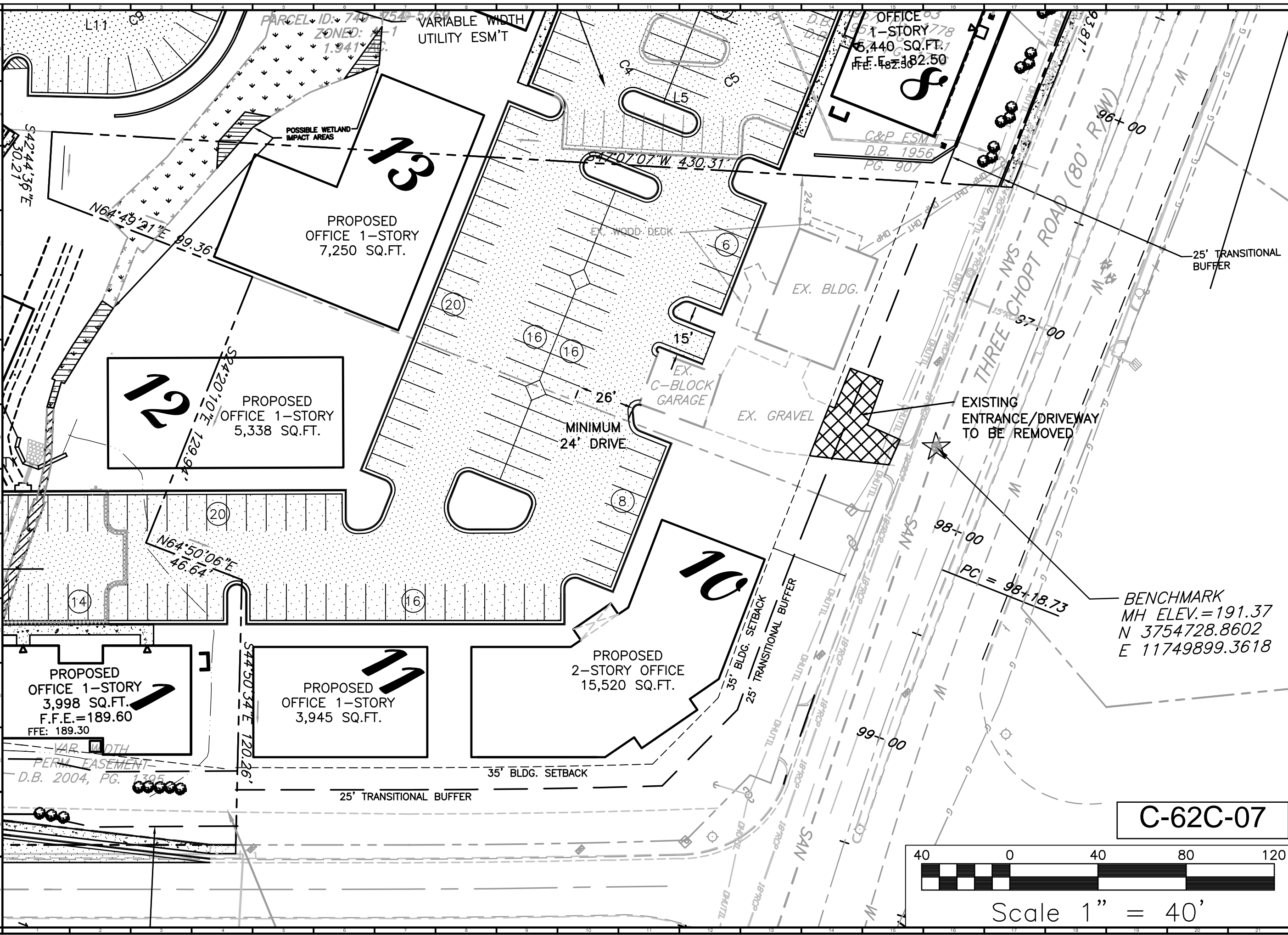
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DESIGNED BY: CMS
CHECKED BY: CMS
DATE: 07-23-07
REVISIONS:

SCALE: 1" = 40'

SHEET NO.

SCH3

C-62C-07



REFLECTING TOMORROW
 www.balzer.cc
 PLANNERS • ARCHITECTS
 ENGINEERS • SURVEYORS

501 Branchway Road
 Richmond, Virginia 23236
 Phone: 804/794-0571
 FAX: 804/794-2635

1208 Corporate Circle
 Roanoke, Virginia 24018
 Phone: 540/772-9580
 FAX: 540/772-9550

880 Technology Park Drive
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 FAX: 804/553-0133

102 Hubbard Street
 Blacksburg, Virginia 24060
 Phone: 540/981-0991
 FAX: 540/981-0962

1597 Commerce Road
 Suite 201
 Virginia, Virginia 24480
 Phone: 540/248-3220
 FAX: 540/248-3221

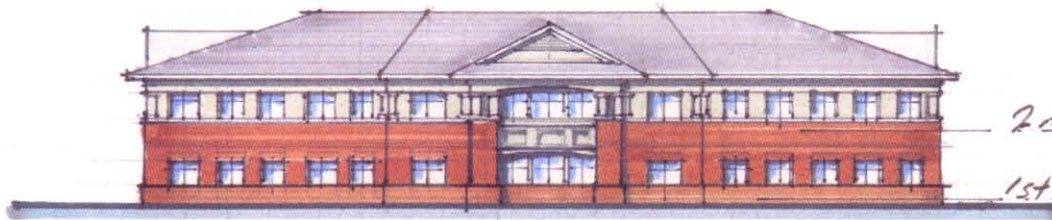
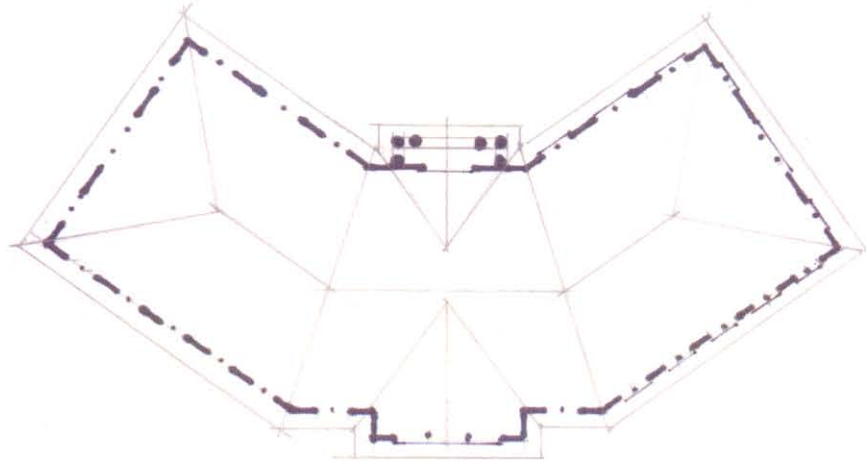


GASKINS
 SCHEMATIC LAYOUT
 TUCKAHOE DISTRICT
 HENRICO COUNTY, VIRGINIA



DRAWN BY: SFK
 DESIGNED BY: CMS
 CHECKED BY: CMS
 DATE: 07-23-07
 REVISIONS:

SCALE: 1" = 40'
 SHEET NO.
SCH3
 JOB NO.
 C0200218.01



2nd Fl +14'0"

1st Fl 0'0"

Katherine Gaskins

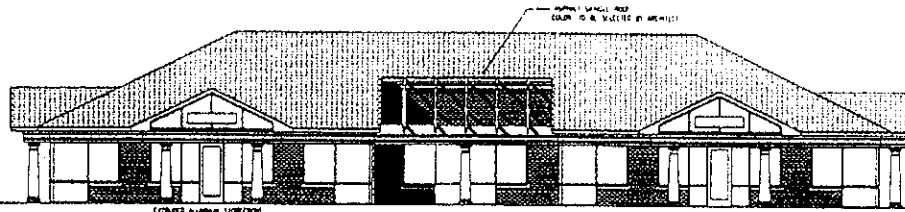
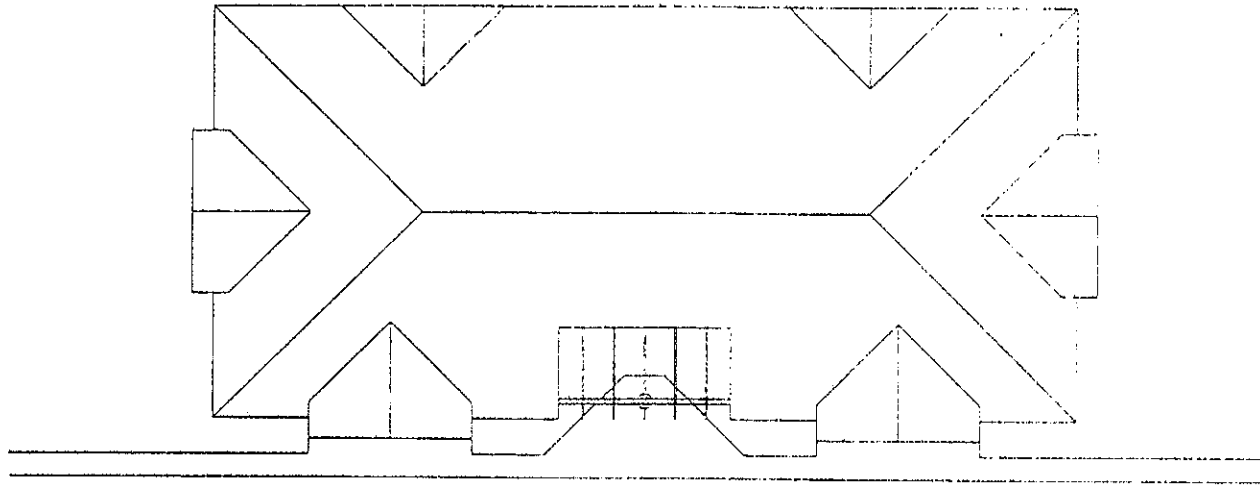
Scheme "A" 1" = 30'

Balzer & Associates 10.3.07

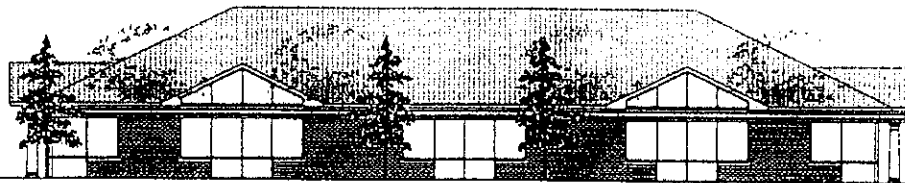
EXHIBIT A

C-62C-07

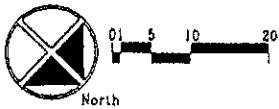




Parking Lot Elevation



Gaskin Road Elevation



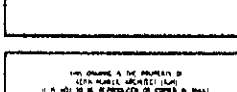
KEITH HUNTER

ARCHITECT
804.853.7286



1917 PINE LAKE 1917 PINE LAKE, PA

Office Condominiums
Three Chopt and Gaskins



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DATE 07.01.2003

EXHIBIT B

C-62C-07

SCHEMATIC DESIGN - ELEVATIONS AND ROOF PLAN
SCALE 1/16" = 1'-0"

Scheme 1