

Zoning Districts identified on this sheet with an Asterisk (*) are within the West Broad Street Overlay District and are subject to Special Regulation

C-20C-08
Zoning
Office Condominium Park
Three Chopt District
400 Feet
PS March 2008 Ref: 740-766-3730



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

February 12, 2009

Mr. Patrick J. Sanderson
2044 John Rolfe Parkway
Richmond, VA 23238

Re: Conditional Rezoning Case C-20C-08

Dear Mr. Sanderson:

This letter is a correction and supersedes the letter dated February 3, 2009.

The Board of Supervisors at its meeting on January 27, 2009, approved your request to conditionally rezone from A-1 Agricultural District to O-2C Office District (Conditional), Parcels 740-766-3730, 740-766-2619, 740-766-6112, 740-765-3690, 739-766-9601 and 739-766-9016, described as follows:

LEGAL DESCRIPTION - PARCEL 1

Beginning at a point on the east line of Pouncey Tract Road, State Route 271, said point being 0.39 feet southwest of a rod found and labeled P.O.B. A; thence leaving the east line of Pouncey Tract Road with the lands of Kathryn R. Sheek and Belle D. Robertson N 67°05'13" E 575.70 feet to a point; thence with the lands now or formerly of Lizzie Taylor S 46°36'21" E 15.83 feet to a point; thence N 67°10'35" E 118.85 feet to a point; thence with the lands of Rose L. Farmer S 46°36'21" E 365.33 feet to a point; thence S 43°23'39" W 108.76 feet to a point; thence with the lands of Sanderson & Bumgarner N 46°36'21" W 375.31 feet to a point; thence with the lands of Sanderson & Bumgarner and Pouncey Tract, LLC S 67°00'09" W 605.11 feet to a rod found on the east line of Pouncey Tract Road; thence with the east line of Pouncey Tract Road along a curve to the right having a radius of 3784.72 feet, a length of 50.74 feet, a chord bearing of N 14°03'59" W and a chord distance of 50.74 feet to the point of beginning and containing 1.646 acres of land.

LEGAL DESCRIPTION PARCEL 2

Beginning at a point on the east line of Pouncey Tract Road, State Route 271; thence leaving the east line of Pouncey Tract Road with the lands of Pouncey Tract, LLC N 67°00'09" E 390.61 feet to a point, said point being the actual point of beginning and labeled P.O.B B; thence with the lands of Coppersouth Properties, LLC N 67°00'09" E 214.50 feet to a point; thence S 46°36'21" E 480.17 feet to a point; thence with the lands of HHHunt Corporation S 82°34'10" W 253.54 feet to a point; thence with the lands of Pouncey Tract, LLC N 46°36'21" W 405.91 feet to a point of beginning and containing 1.999 acres of land.

LEGAL DESCRIPTION - PARCEL 3

Beginning at a point on the east line of Pouncey Tract Road, State Route 271, said point being 0.39 feet southwest of a rod found and labeled P.O.B. A; thence leaving the east line of Pouncey Tract Road the following courses N 67°05'13" E 575.70 feet, S 46°36'21" E 15.83 feet, N 67°10'35" E 118.85 feet to a point, said point being the actual point of beginning and labeled P.O.B. C; thence with the lands now or formerly of Lizzie Taylor N 67°10'35" E 54.83 feet to a point; thence with Hickory Woods at Twin Hickory S 46°35'20" E 577.45 feet to a rod found; thence with the lands of HHHunt Corporation S 82°34'10" W 204.80 feet to a point; thence with the lands of Sanderson & Bumgarner N 46°36'21" W 104.86 feet to a point; thence N 43°23'39" E 108.76 feet to a point; thence N 46°36'21" W 365.33 feet to the point of beginning and containing 1.026 acres of land.

LEGAL DESCRIPTION - PARCEL 4

Beginning at a point on the east line of Pouncey Tract Road, State Route 271, said point being labeled P.O.B. D; thence with the east line of Pouncey Tract Road N 16°10'03" W 83.60 feet to a rod found; thence leaving the east line of Pouncey Tract Road with the lands of Pouncey Tract, LLC, Sanderson & Bumgarner, Rose L. Farmer and Hickory Woods at Twin Hickory N 82°34'10" E 1260.22 feet to a point, said point being 0.15 feet southwest of a rod found; thence with the lands of Hickory Woods at Twin Hickory S 01°44'20" E 103.80 feet to a point on the north line of Twin Hickory Lake Drive; thence along the north line of Twin Hickory Lake Drive along a curve to the right having a radius of 43959.35 feet, a length of 364.71 feet, a chord bearing of S 81°45'10" W, and a chord distance of 364.71 feet; thence S 81°59'26" W 832.26 feet to a point, said point being 0.22' southwest of a pk nail found; thence N 57°04'59" W 52.93 feet to the point of beginning and containing 3.158 acres of land.

LEGAL DESCRIPTION - PARCEL 5

Beginning at a rod found on the east line of Pouncey Tract Road, State Route 271, said point being labeled P.O.B. E; thence with the east line of Pouncey Tract Road N 16°10'03" W 98.64 feet to a rod found; thence along a curve to the right having a radius of 3784.72 feet, a length of 52.67 feet, a chord bearing of N 15°46'08" W, and a chord

distance of 52.67 feet to a point; thence leaving the east line of Pouncey Tract Road with the lands of Pouncey Tract, LLC, N 82°34'04" E 502.86 feet to a point; thence with the lands of Sanderson & Bumgarner S 46°36'21" E 193.01 feet to a point; thence with the lands of HHHunt Corporation S 82°34'10" W 602.16 feet to the point of beginning and containing 1.898 acres of land.

LEGAL DESCRIPTION - PARCEL 6

Beginning at a point on the east line of Pouncey Tract Road, State Route 271, said point being labeled P.O.B. F; thence with the east line of Pouncey Tract Road along a curve to the right having a radius of 3784.72 feet, a length of 60.75 feet, a chord bearing of N 14°54'37" W, and a chord distance of 60.75 feet to a rod found; thence leaving the east line of Pouncey Tract Road with the lands of Coppersouth Properties, LLC N 67°00'09" E 390.61 feet to a point; thence S 46°36'21" E 212.90 feet to a point; thence with the lands of Pouncey Tract, LLC S 82°34'04" W 502.86 feet to the point of beginning and containing 1.223 acres of land.

The Board of Supervisors accepted the following proffered conditions, dated January 12, 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 compatible with the attached conceptual plans (a) entitled "OPTION A" and attached hereto as Exhibit A (see case file); and (b) entitled "OPTION B" and attached hereto as Exhibit B (see case file), which layout plans are conceptual in nature and may vary in detail (the "Concept Plans"). The exact locations, footprints, configurations, sizes and details of the building(s), drives, roads and other improvements shown on the Concept Plans 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.
2. **Site coverage.** No more than seventy percent (70%) percent of the property in the aggregate may be covered by buildings, parking areas and driveways.
3. **Limitation on Uses.** No funeral home or undertaking establishment shall be permitted on the Property. No more than one bank with drive through service shall be permitted on the Property. The total square footage of gross floor area of all office buildings on the Property shall not exceed ninety-five thousand (95,000) square feet in the aggregate.
4. **Protective Covenants.** Prior to or concurrent with the approval of the final Plan of Development, 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 and establishing an owners' association (the "Association"). All buffers described in these proffers shall be part of the common area of the development and shall be required by the

protective covenants to be maintained by the Association. The Association shall establish uniform rules related to permitted signs on the Property and shall review and approve all exterior and detached signage to be located on the Property. The Association shall repair all roads within the Property not dedicated to and accepted by the County or the Virginia Department of Transportation.

5. **Buffers.** A twenty-five foot (25') buffer shall be provided adjacent to the eastern boundary line of the Property and shall include landscaping with a minimum of transitional buffer 35, as referenced in the County Zoning Ordinance. A twenty-five foot (25') buffer shall be provided adjacent to the southern boundary (Twin Hickory Lake Drive) of the Property. The existing landscaping and lighting fixtures within such twenty-five (25') buffer along Twin Hickory Lake Drive shall be maintained (or replaced with similar quality material), other than as shown on the Concept Plans or as approved at the time of Plan of Development review. An access and maintenance easement for the right to maintain such 25' buffer as required herein shall be provided for the benefit of the Twin Hickory Home Owners' Association or their successors or assigns. All buffers on the Property shall be landscaped subject to: (i) the removal of fallen, diseased or dead plant growth; (ii) the extent necessary for an access road and utility easements, including drainage, and (iii) supplemental plantings, berms and/or fencing and other purposes as required 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.
6. **Exterior Lighting.** Exterior lighting fixtures shall not exceed twenty (20) 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. Ground-mounted lighting fixtures shall be mounted on footings to prevent the use of direct embedded light standards.
7. **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.
8. **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.

9. **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.
10. **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.
11. **HVAC Screening.** Any heating, ventilation and air conditioning equipment shall be screened from public view at ground level at the perimeter of the Property.
12. **Trash Pick Up, Parking Lot Cleaning, and Leaf Blowing.** No trash pick up, parking lot cleaning, or leaf blowing shall occur before 7:00 a.m. or after 8:00 p.m. Monday through Friday or before 10:00 a.m. or after 8:00 p.m. on Saturdays. No trash pick up, parking lot cleaning, or leaf blowing shall occur on Sundays.
13. **Exterior Materials: Exterior Appearance.** The exposed portions of all exterior wall surfaces (front, rear and sides) of each building constructed on the Property shall be similar in architectural treatment and materials to each other and to all other buildings on the Property. The exposed exterior wall surfaces (above finished grade) shall consist of wood, brick, stone, glass, architectural precast, EIFS, stucco if applied to a masonry surface or any combination thereof, or 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 office buildings on the Property shall have an exterior architectural style and use design elements similar to the office buildings located at Three Chopt and Gaskins Roads (GPIN 749-754-5736), as generally shown on the attached photographs (see case file), which such renderings are conceptual in nature and are provided only as an illustration of the quality of the design and architectural style of such buildings. The exterior architectural style of any bank shall be similar to the architectural style of the office buildings located on the Property, if any, and shall be approved by the Planning Commission at the time of Plan of Development review.

14. **Deliveries.** All deliveries to the property shall occur during the hours of 7:00 a.m. to 8:00 p.m. Monday through Saturday.

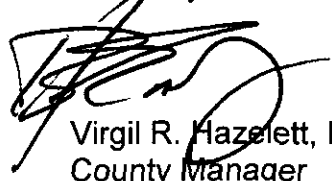
15. **Hours of Construction.** The hours of exterior construction, including operation of bulldozers and other earthmoving equipment, shall be between 7:00 a.m. and 8:00 p.m. Monday through Friday, between 9:00 a.m. and 8:00 p.m. on Saturdays and none on Sundays; provided, however, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours or utility connectors.
16. **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; provided, however, no building within one hundred (100) feet of the eastern boundary line of the Property shall exceed 1 story and twenty-six (26) feet in height.
17. **Property Access.** All sites upon the Property shall be developed to allow the use of and the right to tie into all roads and drives on all other parcels on the Property to provide cross-sections among the parcels so that traffic generated from development on any parcel shall have the ability to access across the roads and drives on any other parcel on the Property.
18. **Stormwater Drainage.** Any wet pond Best Management Practice (BMP) areas will be aerated and landscaped as approved by the Planning Commission at the time of plan of development review.
19. **Road Construction and Dedications.** Road improvements and/or dedications shall be made as follows:
 - a. Construction of a right turn lane along northbound Pouncey Tract Road to enter the Property.
 - b. Construction of a right turn lane along westbound Twin Hickory Lake Drive to enter the Property.
 - c. A second left turn lane from westbound Twin Hickory Lake Drive onto southbound Pouncey Tract Road ("Twin Hickory Lake Improvements") shall be provided so long as such improvements can be made within the existing right-of-way as follows: (i) restriping of Twin Hickory Lake Drive to provide a second left turn lane on the westbound approach within the existing roadway cross-section; and (ii) widening southbound Pouncey Tract Road to provide two receiving lanes for the two left turn lanes from Twin Hickory Lake Drive.
 - d. If the Twin Hickory Lake Improvements are not constructed as set forth above in Proffer 19(c), one additional travel lane plus applicable right-of-way along northbound Pouncey Tract Road ("Pouncey Tract Road Improvements") shall be constructed. If the Twin Hickory Lake Improvements are to be constructed as set forth above in 19(c), then the Pouncey Tract Road Improvements shall not be constructed, provided,

however, the land area needed for the Pouncey Tract Road Improvements shall be dedicated to the County at the time that is directed by the Planning Commission at the time of Plan of Development review.

- e. Any land area dedicated but not used by the County for its intended purposes within thirty (30) years after such dedication, such land area shall be returned to the party so dedicating such land area.
- 20. **Twin Hickory Signage.** The existing sign for Twin Hickory located on the Property and an easement or other right of access for maintenance of such sign shall be conveyed to the Twin Hickory Home Owners' Association or their successors or assigns.
- 21. **Severance.** The unenforceability, elimination, revision or amendment or 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.

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.

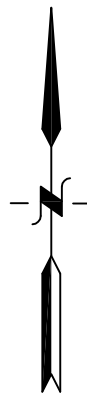
Sincerely,

A handwritten signature in black ink, appearing to read "Virgil R. Hazelett", written over a faint rectangular stamp.

Virgil R. Hazelett, P.E.
County Manager

pc: Jeffrey Bumgarner
Rose L. Farmer
Daniel T. Schmitt
Andrew M. Condlin, Esquire
Director, Real Estate Assessment
Conditional Zoning Index

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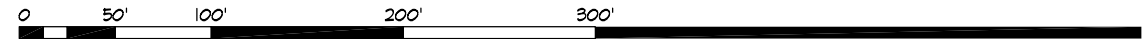


POUNCEY TRACT ROAD

BUFFER

TWIN HICKORY LAKE DRIVE

OPTION A



SCALE: 1" = 100'

092308

C-20C-08

SANDERSON OFFICE CONDOS
Siteplan - Option A

Baskervill

ask + listen + create

Ship to or visit
101 S 15th St
Ste 200 • 23219

P.O. Box 400
Richmond, Va
23218 • 0400

804 343 1010
fax 343 0909
baskervill.com

architecture
engineering
interior design

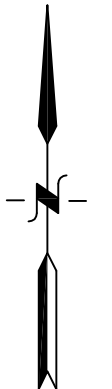
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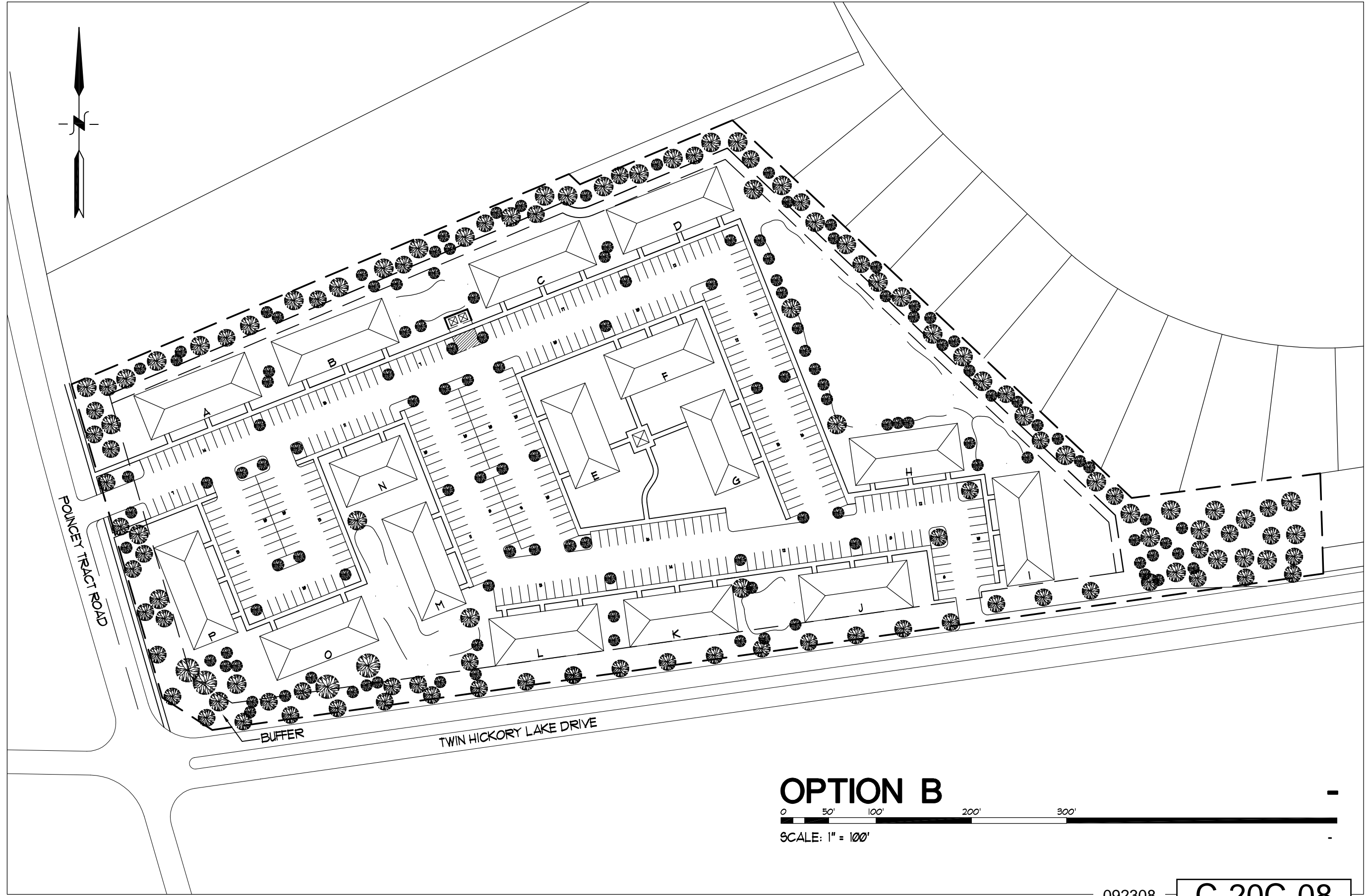
Ship to or visit
101 S 15th St
Ste 200 • 23219

P.O. Box 400
Richmond, Va
23218 • 0400

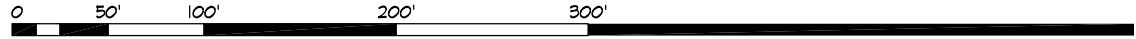
804 343 1010
fax 343 0909
baskervill.com



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OPTION B



SCALE: 1" = 100'

092308

C-20C-08

SANDERSON OFFICE CONDOS
Siteplan - Option B

