

B-3C, O-3 & O-3C to B-3C
6.35 Ac.

C-4C-08
Zoning
Office / Business
Three Chopt District

400 Feet

PS December 2007 Ref: 746-760-8608



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, PE
County Manager

April 15, 2008

RER/New Boston West Broad Street, LLC
C/O Mr. Bruce Levy
950 Herndon Parkway, Suite 200
Herndon, VA 20170

Re Conditional Rezoning Case C-4C-08

Dear Mr. Levy

The Board of Supervisors at its meeting on April 8, 2008, granted your request to conditionally rezone from O-3 Office District, O-3C Office District (Conditional) and B-3C Business District (Conditional) to B-3C Business District (Conditional), part of Parcel 746-760-8608, containing approximately 6.35 acres, described as follows:

Legal Description - (Area to be Rezoned from (O-3 to B-3C))

Beginning at a point on the southerly sideline of West Broad Street, S 82°13'58" E a distance of 229.12' from its intersection with the northeasterly sideline of Interstate 64 and being the northwesterly corner of the parcel hereinafter described, thence S 82°13'58" E a distance of two hundred fifteen and thirty-three hundredths feet (215.33') along the sideline of West Broad Street to a point, thence southeasterly and curving to the left along the arc of a curve having a radius of five hundred twelve and eighty-one hundredths feet (512.81'), a length of one hundred eighty-one and eighty-eight hundredths feet (181.88'), a chord distance of one hundred eighty and ninety-three hundredths feet (180.93') and a chord bearing of S 08°38'40" E to a point, thence southwesterly and curving to the right along the arc of a curve having a radius of fifty-three and eighty-nine hundredths feet (53.89'), a length of sixty-five and sixty hundredths feet (65.60'), a chord distance of sixty-one and sixty-two hundredths feet (61.62') and a chord bearing of S 16°03'55" W to a point, thence S 50°56'08" W a distance of thirty-five and seventy-four hundredths feet (35.74') to a point, thence southwesterly and curving to the right along the arc of a curve having a radius of two hundred thirty-two and fifty-five hundredths feet (232.55'), a length of ninety-eight and fifty-six hundredths feet (98.56'), a chord distance of ninety-seven and eighty-two hundredths feet (97.82') and a chord bearing of S 63°04'37" W to a point, thence N 82°13'58" W a distance of one hundred fifty-two and sixty-eight hundredths feet (152.68') to a point, thence S 07°46'02" W a distance of three hundred sixteen and

twenty-seven hundredths feet (316 27'), the previous six (6) courses over Parcel A-3 to the point of beginning. The above described parcel of land contains an approximate area of 74,693 S F or 1 715 Acres

Legal Description - (Area to be Rezoned from B-3C to B-3C)

Beginning at a point on the southerly sideline of West Broad Street at its intersection with the northeasterly sideline of Interstate 64 and being the northwesterly corner of the parcel hereinafter described, thence S 82°13'58" E a distance of two hundred twenty-nine and twelve hundredths feet (229 12') along the sideline of West Broad Street to a point, thence N 07°46'02" E a distance of three hundred sixteen and twenty-seven hundredths feet (316 27') to a point, thence N 82°13'58" W a distance of two hundred forty-two and ninety-eight hundredths feet (242 98') to a point, thence Southwesterly and curving to the left along the arc of a curve having a radius of seventy-five and no hundredths feet (75 00') a length of one hundred seventeen and eighty-one hundredths feet (117 81') to a point, thence S 07°46'02" W a distance of forty-nine and ninety-one hundredths feet (49 91') to a point, thence N 82°13'58" W a distance of one hundred sixty-nine and ninety-seven hundredths feet (169 97') to a point, thence S 80°55'05" W a distance of fifty-three and eighty-three hundredths feet (53 83'), the previous six (6) courses over Parcel A-3 to a point on the sideline of Interstate 64, thence northeasterly and curving to the right along the arc of a curve having a radius of three hundred twenty and no hundredths feet (320 00'), a length of three hundred thirty-one and eighty-seven hundredths feet (331 87'), a chord distance of three hundred seventeen and twenty hundredths feet (317 20') and a chord bearing of S 20°37'42" W to a point, thence S 79°18'48" E a distance of twenty and sixty hundredths feet (20 60') to a point, thence N 07°46'01" E a distance of twenty-one and fifty hundredths feet (21 50') to a point, thence northeasterly and curving to the right along the arc of a curve having a radius of three hundred twenty and no hundredths feet (320 00') a length of forty-six and ninety-three hundredths feet (46 93'), a chord distance of forty-six and eighty-nine hundredths feet (46 89') and a chord bearing of N 59°44'13" E to a point, thence N 69°26'44" E a distance of two hundred seven and two hundredths feet (207 02'), the previous five (5) courses by the sideline of Interstate 64 to the point of beginning. The above described parcel of land contains an approximate area of 171,452 S F or 3 936 Acres

Legal Description - (Area to Rezoned from O-3C to B-3C)

Beginning at a VDOT Monument on the northeasterly sideline of Interstate 64 at the easterly West Broad Street Ramp and being the southwestly corner of the parcel hereinafter described, thence N 23°10'17" W a distance of forty-nine and fifty-two hundredths feet (49 52') to a point, thence northwesterly and curving to the right along the arc of a curve having a radius of three hundred twenty and no hundredths feet (320 00'), a length of eighteen and eighty-four hundredths feet (18 84'), a chord distance of eighteen and eighty four hundredths feet (18 84') and a chord bearing of N 10°46'08" W, the previous two (2) courses by the West Broad Street Ramp to a point, thence N 80°55'05" E a distance of fifty-three and eighty-three hundredths feet (53 83') to a point,

thence S 82°13'58" E a distance of one hundred sixty-nine and ninety-seven hundredths feet (169 97') to a point, thence S 07°46'02" W a distance of two hundred thirty and eighty-five hundredths feet (230 85'), the previous three (3) courses over Parcel A-3 to a point on the northeasterly sideline of Interstate 64, thence northwesterly and curving to the right along the arc of a curve having a radius of ten thousand six hundred thirty-six and ninety-seven hundredths feet (10,636 97'), a length of two hundred forty-five and eighteen hundredths feet (245 18') by the sideline of Interstate 64 to the point of beginning. The above described parcel of land contains an approximate area of 30,406 S F or 0 698 Acres

The Board of Supervisors accepted the following proffered conditions, dated April 4, 2008, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance)

- 1 **Architectural Treatment** All sides of any building shall be substantially similar in design, materials and detailing to any other side of such building, unless otherwise approved by the Director of Planning. All buildings constructed on the Property shall have exposed exterior walls (above finished grade) constructed *primarily of either/or a combination of brick, stone, pre-cast tile, finished masonry materials, glass, or similar quality material and in combination with secondary materials which may include stucco, smooth or split face block or similar quality materials, unless different architectural treatment and/or material are specifically approved with respect to the exposed portion of any such wall at the time of Plan of Development review.* No building walls on the Property shall be covered with or have exposed to view any sheet or corrugated aluminum or sheet or corrugated metal or exposed aggregate concrete, unpainted or unfinished concrete masonry units or asbestos.
- 2 **Mechanical Equipment.** Mechanical equipment on the B-3C Property shall be screened from public view at ground level at the Property lines in a manner approved at the time of Plan of Development review.
- 3 **Permitted Uses.** The only uses permitted on the B-3C Property shall be the following
 - a Offices and office buildings, business professional or administrative
 - b Restaurants, including coffee shops, delicatessens or ice cream parlors, with outside dining areas but without drive through windows
 - c Banks, savings and loan and similar financial Institutions, but not 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, provided the foregoing shall not preclude banks, savings and loans, or similar financial institutions that are not regulated by the foregoing Virginia Code Sections

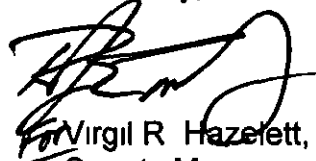
d Hotels

- 4 **Hours of Operation** No restaurant may be open to serve the public before 6 00 a m nor after 12 00 a m , except for holidays and special events, in which case, the restaurant shall close no later than 2 00 a m
- 5 **Detached Signs.** Detached signs located along West Broad Street shall be ground mounted, monument-style signs and shall not exceed fifteen (15) feet in height as measured from the grade of the sign location
- 6 **Access.** The B-3C Property shall not have direct access to and from West Broad Street and shall be restricted to a shared access with GPIN 746-760-8608
- 7 **Buffer** A landscaped buffer area a minimum of thirty-five (35) feet in width as measured from the existing right-of-way line shall be provided along the approximately four hundred forty-five (445) feet of West Broad Street frontage of the B-3C Property Developer shall provide a landscape plan utilizing a modified TB 25 that allows for reduced heights and clustering to be approved by the Planning Commission at the time of Plan of Development review Utility easements, grading, underground drainage facilities, signage and other purposes required or permitted at the time of Plan of Development review may be permitted within the aforesaid buffer area, except that any utility easement within the buffer area shall run generally perpendicular thereto, unless otherwise requested and specifically permitted, or if required, at the time of Plan of Development review Where permitted, areas disturbed for utility installation shall be restored to the extent reasonably practical
- 8 **Sound Proofing.** Hotel walls adjacent to Interstate 64 shall be constructed with a minimum sound transmission coefficient rating of fifty-four (54) A cross-sectional detail, reviewed and approved by a certified architect or engineer as to the methodology accomplishing the sound transmission coefficient rating, shall be included in the building permit application
- 9 **Restaurant Pads.** No more that two (2) freestanding restaurant pads shall be permitted
- 10 **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

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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".

For Virgil R. Hazelett, P E
County Manager

pc Jonathan D. Gillman
Gloria L. Freye, Esq
Director, Real Estate Assessment
Conditional Zoning Index

RESTAURANTS AT WESTMARK



RER/New Boston
West Broad Street L.L.C.



Vanasse Hangen Brustlin, Inc.

Transportation | Land Development | Environmental Services

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EXHIBIT A

C-4C-08



November 30, 2007