

Parcels or Portions thereof identified on this sheet are within the West Broad Street Overlay District and are subject to Special Regulation



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

John A. Vithoulkas
County Manager

July 19, 2016

Excel W Broad Marketplace LLC
c/o Mr. Jack Waghorn
8230 Leesburg Pike, Suite 620
Vienna, VA 22182

Re: Rezoning Case REZ2016-00014

Dear Mr. Waghorn:

The Board of Supervisors at its meeting on July 12, 2016, approved your request to conditionally rezone from B-3C Business District (Conditional) to C-1C Conservation District (Conditional) Parcels 732-765-8532, 733-765-1958, and 733-765-6794 containing 8.715 acres located between the north line of W. Broad Street (U.S. Route 250) and the south line of Interstate 64 approximately 1000' west of N. Gayton Road, described as follows:

Parcel 1A

Commencing at a point being approximately 0.3 miles from the intersection of the west line of Gayton Road and the north line of Broad Street Extended; thence N 26°47'28" E a distance of 16.43 feet to a point; thence S 89°53'23" E a distance of 311.00 feet to a point; thence N 42°40'37" E a distance of 335.00 feet to a point; thence N 53°10'37" E a distance of 9.95 feet to a point; being the point of beginning; thence N 35°22'04" a distance of 210.37 feet to a point; thence N 44°00'00" a distance of 35.00 feet to a point; thence N 03°45'11" W a distance of 21.67 feet to a point; thence N 25°31'16" E a distance of 81.50 feet to a point; thence S 65°44'56" E a distance of 91.61 feet to a point; thence S 80°18'55" E a distance of 299.64 feet to a point; thence S 51°42'27" W a distance of 142.52 feet to a point; thence S 53°10'37" W a distance of 193.05 feet to a point being the point of beginning and having 57,377 square feet or 1.317 acres of land.

Parcel 6

Commencing at a point being approximately 0.3 miles from the intersection of the west line of Gayton Road and the north line of Broad Street Extended; thence N 26°47'28" E a distance of 16.43 feet to a point; thence S 89°53'23" E a distance of 311.00 feet to a point; thence N 42°40'37" E a distance of 335.00 feet to a point; thence N 53°10'37" E a distance of 9.95 feet to a point; thence N 53°10'37" E a distance of 193.05 feet to a point; thence N 51°47'27" E a distance of 142.52 feet to a point; thence S 80°18'55" W a distance of 210.47 feet to a point; thence along a curve to the left having a radius of 142.50 feet, a length of 54.92 feet, a delta angle of 22°04'49", a chord bearing of N 46°55'20" E, and a chord

distance of 54.58 feet to a point; thence N 35°52'56" E a distance of 123.92 feet to a point; thence N 61°52'56" E a distance of 146.49 feet to a point; thence along a curve to the right having a radius of 252.00 feet, a length of 70.96 feet, a delta angle of 16°07'59", a chord bearing of N 69°56'56" E, and a chord distance of 70.72 feet to a point; thence along a curve to the left having a radius of 103.50 feet, a length of 101.40 feet, a delta angle of 56°07'59", a chord bearing of N 49°56'56" E, and a chord distance of 97.39 feet to a point; thence N 21°52'56" E a distance of 60.71 feet; thence S 70°19'13" E a distance of 45.03 feet; thence N 21°52'56" E a distance of 278.49 feet to a point being the point of beginning; thence along a curve to the left having a radius of 17,294.73 feet, a length of 281.81 feet, a delta angle of 00°56'01", a chord bearing of S 68°15'48" E, and a chord distance of 281.81 feet to a point; thence S 60°21'09" E a distance of 89.51 feet to a point; in the centerline of a stream; thence following the centerline of stream the following courses, S 41°56'51" W a distance of 6.40 feet to a point; thence S 35°49'47" W a distance of 32.10 feet to a point; thence S 50°56'33" W a distance of 37.87 feet to a point; thence S 51°19'22" W a distance of 63.50 feet to a point; thence S 66°12'10" W a distance of 36.43 feet to a point; thence S 52°59'16" W a distance of 13.01 feet to a point; thence S 26°11'15" W a distance of 22.62 feet to a point; thence S 36°20'02" W a distance of 29.46 feet to a point; thence S 50°37'01" W a distance of 20.88 feet to a point; thence S 64°36'17" W a distance of 14.78 feet to a point; thence N 69°16'12" W a distance of 8.70 feet to a point; thence N 57°44'12" W a distance of 12.36 feet to a point; thence N 89°39'56" W a distance of 16.11 feet to a point; thence S 80°16'15" W a distance of 29.37 feet to a point; thence S 74°41'27" W a distance of 19.99 feet to a point; thence S 52°35'49" W a distance of 56.14 feet to a point; thence S 58°43'29" W a distance of 31.98 feet to a point; thence S 66°04'52" W a distance of 2.81 feet to a point; thence S 28°40'59" W a distance of 18.61 feet to a point; thence S 56°09'22" W a distance of 25.23 feet to a point; thence N 72°16'31" W a distance of 12.73 feet to a point; thence S 66°11'59" W a distance of 23.63 feet to a point; thence N 71°21'49" W a distance of 14.62 feet to a point; thence S 84°17'13" W a distance of 17.14 feet to a point; thence S 35°38'22" W a distance of 31.54 feet to a point; thence S 44°59'49" W a distance of 23.95 feet to a point; thence S 59°21'02" W a distance of 29.85 feet to a point; thence S 86°16'33" W a distance of 16.21 feet to a point; thence S 63°02'13" W a distance of 18.72 feet to a point; thence S 44°08'54" W a distance of 27.17 feet to a point; thence S 68°05'32" W a distance of 27.86 feet to a point; thence S 54°51'38" W a distance of 18.48 feet to a point; thence S 51°18'21" W a distance of 11.38 feet to a point; thence N 86°44'12" W a distance of 15.89 feet to a point; thence N 82°06'13" W a distance of 11.38 feet to a point; along the north line of Three Chopt Road; thence N 82°06'13" W a distance of 11.51 feet to a point; thence S 61°23'13" W a distance of 18.32 feet to a point; thence S 43°05'11" W a distance of 3.44 feet to a point; on the south line of Three Chopt Road; thence leaving the centerline of stream and continuing along the south line of Three Chopt Road S 40°56'23" E a distance of 66.54 feet to a point; thence leaving the south line of Three Chopt Road S 51°47'27" W a distance of 67.38 feet; thence S 80°18'55" W a distance of 210.47 feet to a point; thence along a curve to the left having a radius of 142.50 feet, a length of 54.92 feet, a delta angle of 22°04'49", a chord bearing of N 46°55'20" E, and a chord distance of 54.58 feet to a point; thence N 35°52'56" E a distance of 123.92 feet to a point; thence N 61°52'56" E a distance of 146.49 feet to a point; thence along a curve to the right having a radius of 252.00 feet, a length of 70.96 feet, a delta angle of 16°07'59", a chord bearing of N 69°56'56" E, and a chord distance of 70.72 feet to a point; thence along a curve to the left having a radius of 103.50 feet, a length of 101.40 feet, a delta angle of 56°07'59", a chord

bearing of N 49°56'56" E, and a chord distance of 97.39 feet to a point; thence N 21°52'56" E a distance of 60.71 feet; thence S 70°19'13" E a distance of 45.03 feet thence N 21°52'56" E 278.49 feet to a point; being the point of beginning and having 165,269 square feet or 3.794 acres of land.

Parcel 8

Commencing at a point; being approximately 0.3 miles from the intersection of the west line of Gayton Road and the north line of Broad Street Extended; thence N 26°47'28" E a distance of 15.63 feet to a point; thence N 75°15'27" W a distance of 96.39 feet to a point; being the point of beginning; thence N 14°44'33" E a distance of 65.50 feet to a point; thence N 75°15'27" W a distance of 83.82 feet to a point; thence N 20°00'28" W a distance of 68.57 feet to a point; thence N 61°02'08" E a distance of 129.89 feet to a point; thence S 89°11'55" E a distance of 75.34 feet to a point; thence N 86°54'03" E a distance of 82.86 feet to a point; thence S 89°54'39" E a distance of 55.84 feet to a point; thence N 79°44'23" E a distance of 58.16 feet to a point; thence N 68°46'52" E a distance of 55.83 feet to a point; thence N 58°05'42" E a distance of 57.40 feet to a point; thence N 52°24'29" E a distance of 66.02 feet to a point; thence N 49°05'25" E a distance of 103.77 feet to a point; thence S 35°22'04" E a distance of 192.08 feet to a point; thence S 42°40'37" W a distance of 335.00 feet to a point; thence N 89°53'23" W a distance of 311.00 feet to a point; thence S 26°47'28" W a distance of 0.80 feet to a point; thence N 75°15'27" W a distance of 96.39 feet to a point; being the point of beginning and having 159,986 square feet or 3.604 acres of land.

The Board of Supervisors accepted the following proffered conditions, dated May 27, 2016, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

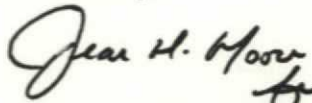
1. **C-1 Conservation District.** Notwithstanding the uses permitted and required by the zoning of the Property, such portion(s) of the Property which lie within a one hundred (100) year flood plain as determined by definitive engineering studies approved by the Department of Public Works, may only be used for the following purposes:
 - a. Stormwater management and/or retention areas.
 - b. Ponds, lakes, and similar areas intended as aesthetic and/or recreational amenities and/or wildlife habitats.
 - c. Access drives, utility easements, signage, walkways, and recreational facilities installed in a manner to minimize their impacts.
 - d. Such additional uses to the uses identified in (a), (b), and (c) above as may be deemed compatible and of the same general character by the Director of Planning pursuant to Chapters 19 and 24 of County Zoning Ordinance.
2. **Spine Road Extension.** A right-of-way easement or dedication at a location and of a width to be mutually agreed upon (provided that the width shall not exceed 120')

within the "Reserved Area" shown on the Master Plan (see case file) in case REZ2014-00028 for the future extension of the Spine Road by others to the eastern Property line shall be granted to Henrico County, upon request. Improvements within the "Reserved Area" shall not preclude the future connection of the Spine Road to the adjacent property to the east.

3. **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.

The Planning Department has been advised of the action of the Board of Supervisors and will revise its records.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Vithoulkas", with a stylized flourish at the end.

John A. Vithoulkas
County Manager

pc: Ann Neil Cosby, Esquire
Adena M. Patterson
Director, Real Estate Assessment