

O-2C to M-1C
14.001 Ac.

REZ2023-00023
Zoning
 Light Industrial
 Fairfield District

400 Feet

PS June 2023 Ref: 789-759-9448



John A. Vithoukas
County Manager

October 17, 2023

Merritt Acquisitions, LLC
2066 Lord Baltimore Drive
Baltimore, MD 21244

Re: Rezoning Case REZ2023-00023

Dear Sir/Madam:

The Board of Supervisors at its meeting on October 10, 2023, approved your request to conditionally rezone from O-2C Office (Conditional) to M-1C Light Industrial District (Conditional) Parcels 789-759-9448 and 790-759-6085 containing 14.001 acres located at the northeast intersection of East Parham Road and Park Central Drive, described as follows:

Beginning at a rod found at the intersection of the northern line of East Parham Road and the eastern line of Park Central Drive; thence departing the northern line of East Parham Road, along Park Central Drive S 89°00'06" W 117.97 feet to a rod found; thence along a non-tangent curve to the right having a radius of 119.00 feet, an arc length of 55.70 feet, and a chord of N 48°25'59" W 55.19 feet to a rod found; thence N 35°01'30" W 121.84 feet to a rod found; thence along a curve to the right having a radius of 970.00 feet, an arc length of 68.17 feet, and a chord of N 33°00'42" W 68.16 feet to a rod found; thence N 30°59'54" W 86.71 feet to a rod found; thence departing the eastern line of Park Central Drive N 59°00'06" E 1,454.39 feet to a rod found; thence S 60°13'54" E 289.79 feet to a rod found; thence S 28°27'56" E 150.18 feet to a rod found on the northern line of East Parham Road; thence along the northern line of East Parham Road along a curve to the left having a radius of 3080.34 feet, and arc length of 134.16 feet, and a chord of S 60°14'58" W 134.15 feet to a rod set; thence S 59°00'06" W 1,083.26 feet to a rod found; thence S 65°50'40" W 100.72 feet to a rod found; thence S 59°00'06" W 142.25 feet to a rod found, said rod being the point of beginning. Containing 609,869 square feet or 14.001 acres of land more or less.

The Board of Supervisors accepted the following proffered conditions, dated September 27, 2023, which further regulate the above-described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Concept Plan.** The Property will be developed in general conformance with the concept plan attached hereto as "PARK CENTRAL REZONING CONCEPT LAYOUT, 2023-9-12" prepared by Merritt Construction Services (the "Concept Plan") (see case file), which is conceptual in nature and may vary in massing, height, elevations, design, layout, final density, and other details shown therein. The specific

design, general layout, and other details may vary from the Concept Plan as required for final plan approval, engineering reasons, design or compliance with governmental regulations, or as approved during any Plan of Development review.

2. **Loading Areas and Access.** All loading areas must face away from East Parham Road and must be screened from public view at the public rights of way. Loading areas facing north will be screened using landscaping, an opaque fence, or wall, as approved at the time of Plan of Development review. The alignment of the roadways providing vehicular access to and from the Property will be in a configuration and in the approximate location as shown on the Concept Plan. Access from East Parham Road as shown will require the construction of a right turn lane and an upgrade of the existing left turn lane to a turn lane with 200' storage and 100' taper. Permanent signage will be installed directing trucks to enter and exit the property from Park Central Drive. Sidewalks a minimum of four feet in width, built to County sidewalk standards, will be constructed in the public right-of-way of East Parham Road and Park Central Drive, or in the alternative, if approved by the Department of Public Works at the time of Plan of Development, a minimum of 5' wide asphalt walking trails will be constructed within the Property along the Property's frontage with East Parham Road and Park Central Drive. Access from Park Central Drive will be located directly opposite the access of 8720 Park Central Drive.
3. **Building Materials.** Exposed exterior wall surfaces (above finished grade) of all individual buildings (excluding rooftop screening materials for mechanical equipment) must be constructed with one or more of the following siding materials: decorative concrete block (including, without limitation, split face block, smooth face block, fluted block, and ground face block), tilt-up or pre-cast concrete, brick, brick veneer, glass, metal (other than corrugated metal), stone, cast stone, stone veneer, stucco, synthetic stucco, glass block, cementitious siding, insulated panels, concrete tile, or ceramic tile, unless other material is approved at the time of Plan of Development review. In no case will unpainted concrete block, unfinished corrugated metal, or unfinished sheet metal be permitted. For purposes of these proffers, "wall surfaces" will not be deemed to include columns, pilasters, trim, gutters, accent materials, architectural features trim, windows, doors, bay doors, piers, wall sections and headers near roll up doors and loading doors.
4. **Elevations.** Buildings constructed on the Property shall generally be in conformance with the renderings dated September 27, 2023 (see case file), attached hereto and by this reference made a part hereof, with respect to quality of design, massing and architecture, and the variety of features, unless otherwise approved at the time of Plan of Development review.
5. **Height.** No building on the Property will exceed a height of forty- five (45) feet.

6. **Underground Utilities.** Except for junction boxes, meters and existing overhead utility lines and any utility lines crossing wetlands, if any, all new utility lines must be underground.

7. **Buffers and Setbacks.** A landscaped and natural buffer area a minimum of seventy (70) feet in width must be maintained along Parham Road. Best tree preservation practices must be followed to retain existing trees within such buffer areas to minimize large tree clearing to the extent feasible during final engineering. Further, plantings shall be required within such buffer to provide for a minimum of a Transitional Buffer 50 with a 20% increase in the number of required plantings, and may include supplemental plantings, berms and other purposes, all as approved at the time of landscape plan review. Existing vegetation may be used to satisfy planting requirements. An access road and utilities shall be permitted through such Parham Road buffer, provided it is extended generally perpendicular through such buffer. Sidewalks, trails, fencing/walls adjacent to any roads or drives, and signage will be permitted within such buffer as approved at the time of Plan of Development review. No traditional stormwater facilities, such as a BMP, shall be permitted within the buffer along Parham Road, provided utility structures within an easement or natural drainage facilities shall be permitted, such as swales, vegetative filter strips and dissipaters, as approved at the time of Plan of Development. No building or any portion thereof may be constructed within ninety (90) feet from the ultimate right-of-way line of Parham Road.

8. **Site Coverage.** No more than seventy percent (70%) of the Property shall be covered by buildings, driveways, and parking areas.

9. **Uses.** All permitted uses in the M-1 Zoning District shall be permitted on the Property with the exception of the following:
 - a. The following uses will be prohibited:
 - i. Correctional Facility,
 - ii. Theater,
 - iii. Solid Waste Transfer Station,
 - iv. Self-Service Storage Facilities,
 - v. Mini-warehouses,
 - vi. Donation center,
 - vii. Club or lodge,
 - viii. Laundry, dry cleaning and carpet cleaning plants,
 - ix. Farm machinery sales, rental, and service,
 - x. Radio or television station,
 - xi. Crematory,
 - xii. Passenger terminal, surface transportation,
 - xiii. Wind energy facility, large,
 - xiv. Kennel or animal shelter,

- xv. Restaurant, drive-through,
- xvi. Parking structure,
- xvii. Auction house,
- xviii. Drive-through ice machine,
- xix. Laundromat,
- xx. Boat and marine rental, sales, and service,
- xxi. Commercial fuel depot,
- xxii. Fleet terminal,
- xxiii. Fuel oil or bottled gas distributor,
- xxiv. Manufactured home and prefabricated building sales,
- xxv. Alternative lending institution,
- xxvi. Convenience store,
- xxvii. Hotel or Motel,
- xxviii. Recycling Collection Center,
- xxix. Shooting range, and
- xxx. Uses within the "Vehicle Sales and Services" use category.

- b. Other than Office uses and Recreation and Entertainment, Indoor uses, no more than twenty percent (20%) of the total building space on the Property shall be occupied by those uses designated in the County Zoning Ordinance Section 24-4205: Principal Use Table within the "Commercial Use Classification": provided in no instance shall Recreation and Entertainment, Indoor uses occupy more than thirty percent (30%) of the total building space on the Property.
- c. Any use that is not conducted within a building will be limited in hours of operation from 6:00 a.m. to 8:00 p.m.
- d. All outdoor storage of materials and equipment shall be screened from view from the boundary line of the Property by an opaque fence or wall. No storage shall exceed the height of such screening.

10. **Hours of Construction and Maintenance.** The hours of any land disturbance activities, including operation of bulldozers and other earthmoving equipment and exterior building construction, will be limited between 7:00 a.m. and 7:00 p.m. Monday through Friday, 8:00 a.m. and 6:00 p.m. on Saturdays, and none on Sunday, except in emergencies or where unusual circumstances require extending the specific hours in order to properly complete such work, such as concrete pours or utility connections. Signs, in both English and Spanish, stating the above referenced provisions will be posted and maintained at all construction entrances to the Property prior to any land disturbances activities thereon.

11. **Parking Lot Cleaning.** Parking lot cleaning (not including individuals sweeping) on the Property shall be limited to the hours of 6:00 a.m. to 8:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. on Saturday.

12. **Safe Conduct of Operations.** All industrial uses must be conducted so as not to (a) create any danger to the health, safety or welfare of the citizens of Henrico County or (b) cause any material adverse impact on the Property or surrounding areas by creating any excessive noise, vibration, smoke, dust, link, odor, heat or glare beyond the boundaries of the Property.
13. **Exterior Alarms.** No exterior alarms or speaker systems will be permitted, provided alarms or beepers located on vehicles and emergency alarms will be permitted.
14. **Signage.** Permanent detached signage along Parham Road and Park Central Drive must be monument style and landscaped. The height of any such permanent detached sign will be limited to ten (10) feet. No such detached signage shall be internally lit. No digital changeable message signs will be permitted. Temporary detached signage, such as but not limited to construction and leasing signs, will be permitted along Parham and Park Central in accordance with all applicable regulations in the Zoning Ordinance. No attached signage will be illuminated.
15. **Parking Lot Lighting.** Parking lot lighting fixtures located in the parking lots must not exceed twenty (20) feet in height above grade level within 300' of the property boundary. Such parking lot lighting must be produced from concealed sources of light (i.e., shoebox type) and must be reduced to no more than a security level following the close of business operations.
16. **No Burning.** There must be no on-site open burning of stumps, limbs, trees or other debris during site work or the construction of any buildings on the Property.
17. **Trash Enclosures.** Any proposed enclosure area for dumpsters on the Property, if provided, must be constructed of masonry, tilt, or other cementitious product on three (3) sides that is complementary to the buildings. The fourth side must be gated with an opaque material. Trash enclosures will be located away from East Parham Road and generally located in the truck court area at the back of the buildings. Trash enclosures will be additionally screened from view with landscaping. Dumpster service hours will be limited in the same manner as construction and maintenance above.
18. **BMPs/Retention Ponds.** Any retention pond or BMP facilities on the Property must be maintained in accordance with all applicable laws, rules, and regulations.
19. **Severance.** The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or in part, will not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.

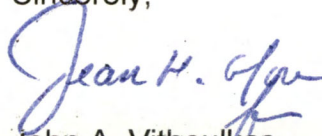
Merritt Acquisitions, LLC

October 17, 2023

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

Sincerely,

A handwritten signature in blue ink, appearing to read "John A. Vithoukas".

John A. Vithoukas
County Manager

pc: Park Central Associates, L.C.
Andrew M. Condlin
Director, Real Estate Assessment

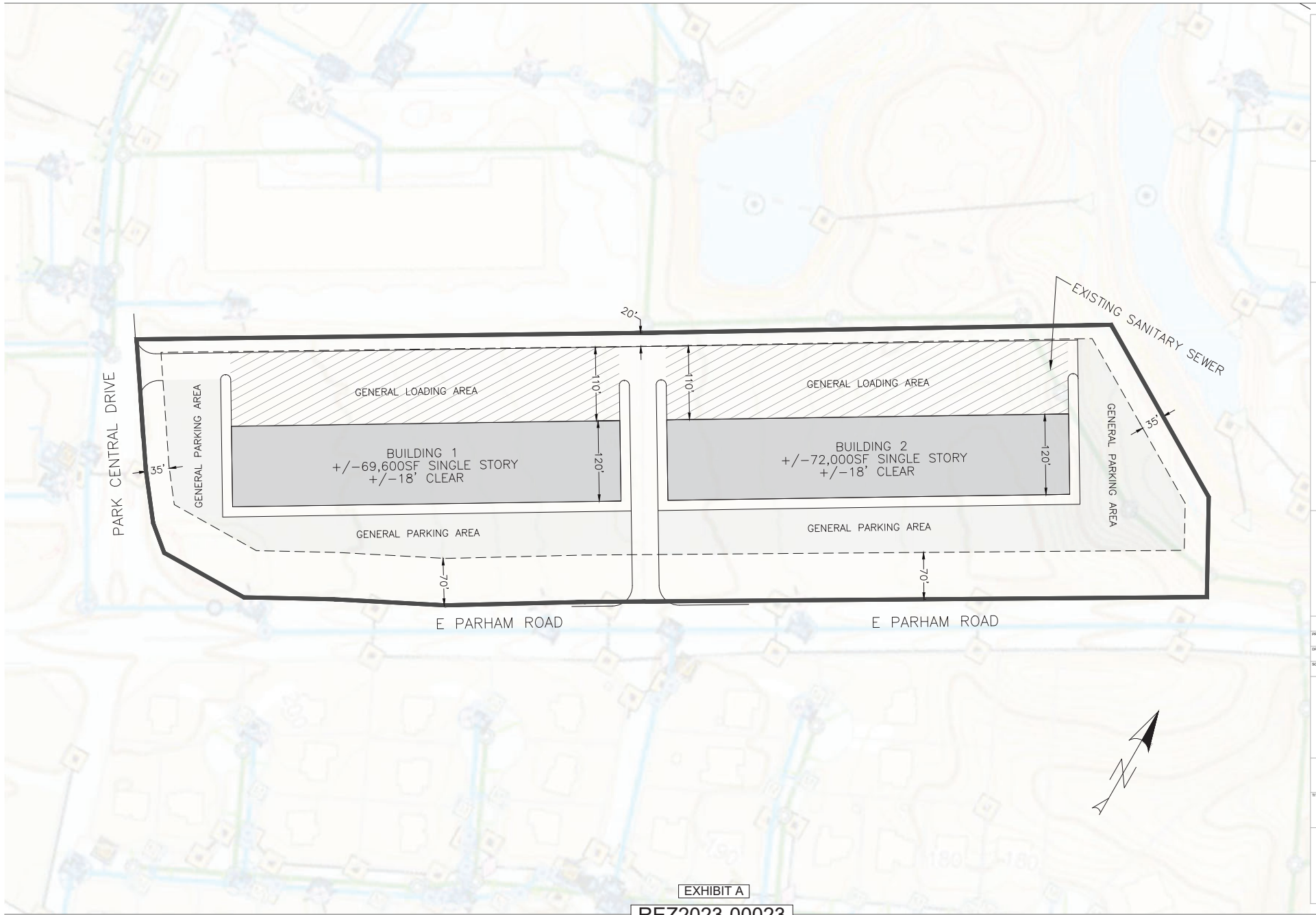


EXHIBIT A
 REZ2023-00023



EXHIBIT B

REZ2023-00023

September 27, 2023